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Mo. Governor. Social Science

The messages and proclamations of
the governors of the state of
Mo.

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*The
Messages and Proclamations*

OF THE

Governors

OF THE

STATE *of* MISSOURI



COMPILED AND EDITED BY

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SECRETARY OF THE STATE HISTORICAL
SOCIETY OF MISSOURI

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PREFACE

This volume of the "Messages and Proclamations of the Governors of the State of Missouri" includes the messages and proclamations of Governors M. M. Marquette (1844), John C. Edwards (1844-1848), Austin A. King (1848-1853), and Sterling Price (1853-1857).

FLOYD C. SHOEMAKER.

Columbia, 1922.

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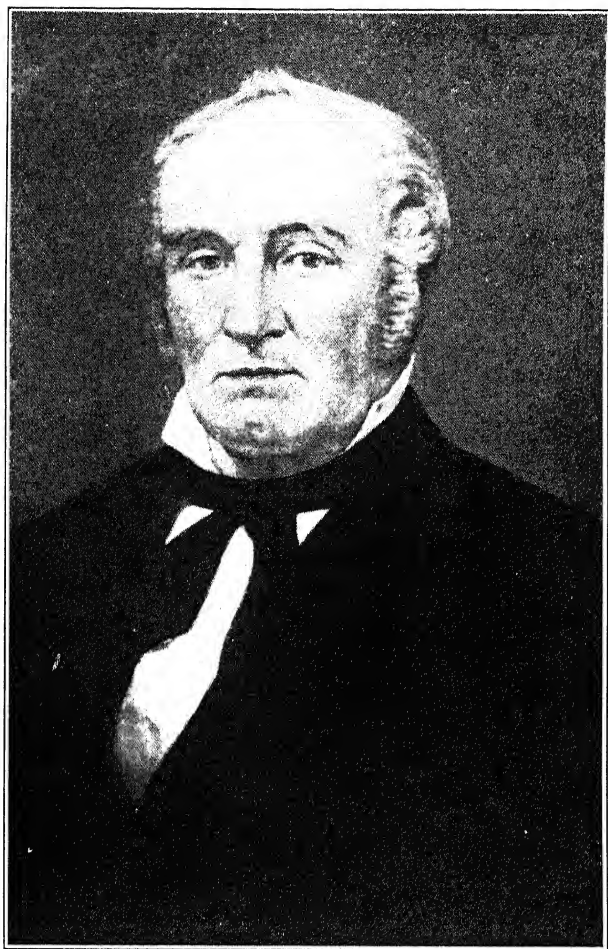
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GOVERNOR MEREDITH M. MARMADUKE



MEREDITH M. MARMADUKE
Governor 1844

MEREDITH M. MARMADUKE

BY

C. H. McCLURE

Meredith M. Marmaduke, the son of Vincent and Sara (Porter) Marmaduke, was born in Westmoreland county, Virginia, August 28, 1791. The Marmadukes were of English ancestry, and being pronounced Tories, upon coming to America they received large grants of land in Virginia.

They thus became large slaveholders. During the Revolutionary period Vincent Marmaduke lost most of his fortune and his son Meredith was left largely on his own resources.

At the age of twenty-two young Marmaduke took a prominent part in raising a regiment for service in the second war with England and was elected its colonel. After the war he returned to Westmoreland county, Virginia, where he served as deputy United States marshal and clerk of the county court.

He came to Old Franklin in Howard county, Missouri, in 1821 and soon engaged in the Santa Fe trade in which he was quite successful. After his first trip to Santa Fe he married Lavinia Sappington, daughter of Dr. John Sappington, one of the most famous of early Missouri physicians. To this union ten children were born, seven boys and three girls: Jane, Sarah, Vincent, John S., Meredith M., Lavinia, Darwin W., Henry H., Layton and Leslie.

Colonel Marmaduke moved to Saline county, where he secured a large tract of land and engaged in farming. He was president of the first Agriculture Association of Saline county and served as county judge and county surveyor. While county surveyor he laid off and platted the city of Marshall.

Politically Colonel Marmaduke was a Democrat and a worthy follower of Andrew Jackson and Thomas Hart

Benton. He was elected Lieutenant Governor of Missouri in 1840 and upon the death of Governor Reynolds, February 9th, 1844, became Governor.

Although he was chief executive little more than nine months he filled the office with dignity and honor and his message to the General Assembly showed a thorough knowledge of the needs and conditions of the State.

Governor Marmaduke was a close friend of Colonel Benton. Between 1840 and 1844 a strong factional contest developed within the Democratic party in Missouri. The two factions were known as the Hards and the Softs. The Hards were frequently called Benton, and the Softs Anti-Benton Democrats. The factional fight reached its climax in the State Democratic Convention held in May, 1844, and the campaign which followed.

Governor Marmaduke was the favorite candidate for the Hards, or Benton Democrats, for Governor. The contest between the two factions was very close in the Convention and Marmaduke withdrew in favor of John C. Edwards, who had not been such a pronounced Hard and could carry considerable Soft support.

Marmaduke was a delegate in the Constitutional Convention of 1845. He received 21 votes for president of the Convention as against 36 votes cast for R. W. Wells, the successful candidate.

Marmaduke was made Chairman of the Committee on Executive Powers and was one of the most valuable men of the Convention.

After his service in the Constitutional Convention Governor Marmaduke retired to private life, but continued to take an active interest in public affairs and always took a decided stand upon public questions. He had always belonged to that wing of the Democratic party in Missouri led by Thomas H. Benton.

Like all the Benton Democrats, he was a strong Union man.

The Benton wing of the Democratic party lost control of the party organization during the fifties, and the southern

wing of the party was in undisputed possession of the State Government from 1856 until the Civil War. When the war came Governor Marmaduke declared himself a Union man, and remained "unflexible and unalterable in his devotion to the old Union under whose flag he had served."

His son, John S. Marmaduke, had graduated from West Point and was serving in the United States Army when the war broke out.

He resigned and came home before finally casting his lot with the South. In the conference between the young officer and his father, Governor Marmaduke has been quoted by a member of his family as having said: "John, there can be but one result. You will sacrifice your profession. Secession will fail. Slavery will be abolished. But you must decide for yourself."

Young Marmaduke decided against the wise advice of his father and raised a regiment for service in the cause of the South.

After the organization had been completed and was about ready to leave for Jefferson City, the Colonel's father was invited to address the newly enlisted soldiers. The regiment was formed at Marshall to receive the Ex-Governor. In this address the elder Marmaduke told his son's men that "Secession could not succeed; that they had enlisted in a cause that was bound to fail."

The speech was not well received and probably did not change the decision of a single man, but it shows the good judgment, courage, and strong Union convictions of Governor M. M. Marmaduke, who was then a man of seventy.

During the war he was held in such high esteem by all parties that his property was damaged but little and he was never disturbed by either Confederates or Federals.

He died at his old homestead in Arrow Rock township, Saline county, March 26, 1864, at the age of seventy-three. He was buried in the Sappington Cemetery, according to the rites of Freemasonry, of which order he had been an honored member for years.

FIRST BIENNIAL MESSAGE

NOVEMBER 18, 1844

From the Journal of the Senate, pp. 15-27.

Fellow-citizens of the Senate and House of Representatives:

You have again assembled, in your respective Halls of legislation, to discharge the high and important duties imposed on you by the Constitution and laws of the State.

In consequence of the death of the late THOMAS REYNOLDS, Governor of this State, which event occurred on the ninth day of February last, the Chief Executive Office devolved on me, and it becomes my duty, under the organic law of the State, to address you on the present occasion.

In the performance of this duty, I should do injustice to my own feelings if I failed to express the deep and lasting regret occasioned by the melancholy occurrence, which deprived the State of the valuable services of this able officer, and highly esteemed citizen, whose unceasing exertions, from the time he was called to preside over the State to the day of his death, were directed solely to the promotion of the best interests of the people of Missouri. His remains now lie in the public burying ground near this place, and it is respectfully recommended, as a tribute of respect, that provision be made by law for the erection of a suitable monument to his memory.

The loss sustained in consequence of the excessive rains during the past spring, by the people of the State, and particularly those who resided on the bottom lands of the Mississippi and Missouri rivers and their tributaries, has been seriously felt; and the sickness and death which have resulted from the overflow of the low lands, in many sections of the State, have greatly aggravated the sufferings of those exposed to their influence. Yet it is consoling to know that these things have passed away, and that favorable seasons and good health have again returned among us, and that

we are now in the full enjoyment of plenty, afforded by the abundant resources of our State; and that peace, harmony and comparative prosperity reign within our borders. For such blessings we owe our devout thanks to HIM who alone can bestow them.

It is a source of gratification that since the adjournment of the last legislature, the circulating medium of our State has been greatly improved, and indeed it is believed that at no previous time has our currency been in a sounder or better condition than at present. All the depreciated and worthless paper of other States has ceased to circulate among the people, and in its place may now be seen in circulation a fair proportion of silver and gold, the only true representatives of value.

This state of things has produced uniformity in the value of all the productions of the Farmers, and in the wages of the Mechanics of the country, thereby securing to all a fair relative reward for their exertions in whatever pursuit they may be engaged.

At the last session of Congress an act was passed by that body, having for its object, the final settlement of the northern boundary line of this State, a certified copy of which will be found among the documents accompanying this communication. By a provision of that act it becomes necessary for this State to give its assent to the settlement of the line in dispute in the manner therein proposed.

The act contemplates that one commissioner be appointed on the part of this State, and one commissioner on the part of the United States; that these commissioners shall appoint a third; that they shall employ a suitable surveyor; make survey of the disputed line, and make report to the offices of the Secretary of the United States, of the State of Missouri, and of the Territory of Iowa, and the line so ascertained, surveyed, marked out and returned as aforesaid by any two of said commissioners, shall be the northern boundary line of the State of Missouri.

As it is highly important that this question should be speedily and peaceably adjusted, I recommend that the

Legislature pass an act, agreeing to the establishment of the line in the manner indicated by the act of Congress.

By this means there will be removed a difficulty which, at one time, occasioned serious collision between the people of this State and of the Territory of Iowa, and the adjustment of which, it is hoped, will tend to produce perpetual harmony and friendship, between the citizens of the two Governments, residing in the neighborhood of the line.

By an act of the Legislature of the State, approved on the eleventh day of February, 1841, entitled, "An act to survey and mark out the southern boundary line of this State," provision was made for the survey of that line by means of commissioners and a surveyor, appointed jointly by them.

In accordance with the provisions of said act, the Hon. Daniel Dunklin, (Ex-Governor of this State) was appointed a commissioner on the part of this State, and proceeded to the discharge of the duties imposed on him by law, in connection with the commissioners on the part of the State of Arkansas.

From all the information received, it is believed that nearly sixty miles of the line between the two States have been run and the balance remains yet to be completed.

I regret to inform you, that on the twenty-fifth day of July last, Governor Dunklin departed this life at his residence in Jefferson county. In the death of this most estimable man, the State has lost one of its most valuable citizens, and one too, on whom, on various occasions, the people of the State have been pleased to bestow high offices of both honor and trust, the duties of which he discharged with great ability, and with the entire satisfaction of those whose interests were committed to his charge.

In consequence of his death, a vacancy was occasioned in the board of commissioners, and being desirous that the survey should be completed in time for the report to be laid before you, during your present session, I appointed George Penn, of Saline county, his successor. Upon his making application at the proper department for means to

prosecute the survey, it was found that the amount which had been appropriated by law to defray the contingent expenses of the survey, was entirely insufficient, and that the amount which this State was authorised to advance for that purpose had been exhausted and that consequently the survey had been suspended awaiting another appropriation.

It is supposed that if the Legislature should take early action on this subject, that it is possible, that the survey might be completed and the necessary report made, before its adjournment. I therefore respectfully recommend an appropriation, at as early a period as practicable, of such an amount as the General Assembly may think sufficient to carry into effect the provisions of the act.

At the last session of the Legislature the Hon. Lewis F. Linn, was elected to the United States Senate, for six years from and after the fourth day of March, 1843, but before he entered on the discharge of the duties imposed on him, he was called to pay the debt of nature which we all owe. He died at his residence in Ste. Genevieve county, on the third day of October, 1843.

In the death of Doctor Linn, the State lost one among its highly valued public servants, and one too, who has been taken from us when he seemed to promise a continuation of his usefulness to the people who had repeatedly given evidence of their great confidence in his integrity and talents.

In consequence of the death of Doctor Linn, a vacancy was occasioned in the representation of the State in the Senate of the United States, which was filled by the appointment of the Hon. David R. Atchison, by the late Executive of the State. This appointment expires on the meeting of the present Legislature, and it will be for you to fill the vacancy thus created.

In reference to our late distinguished Senator, and the late Ex-Governor of this State, the Hon. Daniel Dunklin, I take this occasion to express my hope that the General Assembly will, by its public action, express its sense of the fidelity with which they have discharged the various public duties which have been confided to them.

From the result of the late election in this State, it is now certain that it is the will and pleasure of a majority of the people, that a convention to amend, alter or make a new constitution, shall be held in November next. That the constitution, which will be presented by that convention to the people for their ratification, may be such as to merit their approbation, and that it may prove highly beneficial to the best interests of the people of the State is most devoutly to be desired.

The amendments to the constitution of the State, which were submitted for the consideration of the people by the last Legislature, will be a subject that will claim your serious attention. By the provisions of one of the amendments proposed, all the Supreme and Circuit Judges of the State, retire from office on the first day of January next.

No doubt is entertained but that the great object proposed to be attained in the adoption of these amendments was to render the judiciary more immediately responsible to the people for the faithful discharge of their duties, and to elevate the character of the Bench by enabling the appointing power to bring into the service of the State, at different periods, the highest grade of legal ability. But as the meeting of the convention and the formation of a new constitution may be considered as certain, the question arises, whether or not, it would be advisable, that these amendments should now be ratified. The judicial department of the Government will be a grave subject for the consideration of that convention, and will, in all probability, undergo important modifications. The public mind has been kept excited on this subject by the press, and a reasonable expectation may be entertained, that the most important, as well as the most desired, feature of the new constitution will be that affecting the tenure of the judicial offices of the State.

In this event would it be advisable for the Legislature to ratify these amendments, when the probability exists that the same alterations, proposed by the amendments, will constitute a portion of the new constitution? The judges who would be appointed under the contemplated change

in the present constitution would hold their offices only until the adoption of the new constitution, and this brief intervening period would have the effect of keeping from the Bench those, who perhaps well qualified, would still be indisposed to resign their practice at the bar for the short and uncertain duration of their office.

At the last session of Congress a proposition was submitted to the House of Representatives, having for its object the election of the electors of President and Vice President of the United States, on the same day in all the States of the Union. Under the law of Congress as at present existing, it is believed that many frauds are committed on this most important of our elections, by means of votes imported from neighboring States. In this manner the will of the people of a particular State may be set aside by this unjustifiable operation of foreign influence.

This result could not be effected if this proposition had become a law. As a majority of the States have thought proper to hold their elections on one day, no good reason is known why it would not be good policy, on the part of the General Government to provide by law for holding the election of President and Vice President in all the States on the same day, and to this end it is respectfully recommended that our delegation in Congress be requested to use their best exertions to obtain the passage of a law to that effect.

In connection with the election of President and Vice President of the United States, it is submitted whether it would not be well to cause other State officers than Circuit Attorneys to be elected on the same day. It is certainly very desirable to obtain, at such an important election, a vote of the people as full as possible; and if certain State or county officers were to be chosen on the day of the Presidential election, would it not have a tendency to induce more persons to attend the polls?

At the last session of the Legislature, the subject of laying off the State into districts, for the purpose of electing the members of Congress to which this State was entitled, by single districts, occupied a considerable portion of the

time and attention of the General Assembly, and it is confidently believed that a majority of the members of that session was in favor of this system of election by districts. And if it had not been for the extraordinary legislation of Congress on this subject at the extra session of that body, in which they indirectly commanded the States to district themselves in order to elect their members to Congress, no doubt is entertained but that the State would have been districted by the last General Assembly.

Since the passage of that act, which was deemed invalid by the last General Assembly, two elections have been held in this State, for members of Congress, each of which was held under the law of this State by general ticket. The House of Representatives of the United States viewed the act of the previous Congress in the same light in which it was viewed by the General Assembly of this State, and our members to Congress were declared duly elected. This may be considered as settling the question, and no reasonable doubt can now be entertained but that the members to Congress, elected at the last August election, are entitled to their seats. Indeed, all parties in this State have acquiesced in the decision of the House of Representatives, by voting for members to the next Congress which many of our citizens refused to do, previous to the adjustment of the question by the House of Representatives. Even if this decision should be reversed by the next House of Representatives, of which there is little or no probability, it could not be made to have a retrospective effect, without violating every principle of law and justice.

But the time has come when an opportunity is again offered to the people of this State, through the Legislature, to act on this subject, and inasmuch as the command of Congress has been set aside, there is no reason why the present system of election should be continued, especially, as it is believed that there is a decided majority of the people of the State in favor of the district system of electing our members to Congress.

In view, therefore, of all the facts connected with this

subject, I presume you will consider it to be your duty to lay off the State into five equal districts, as nearly as may be, for the purpose of electing, in future, our Representatives in Congress.

The subject of the annexation of the republic of Texas to the United States, has for some time excited a deep interest among the people of this State, and it is believed that an overwhelming majority desires to see that object accomplished.

The State of Missouri is peculiarly interested in the successful result of this measure. If Texas be admitted into the Union, it becomes at once to us a border State, and our relations assume, in consequence, an intimate and friendly character. Our connection with it too, is rendered still more close, by its numbering among its inhabitants, many who were once the citizens of our State. In a commercial point of view, in the great and increasing market it would afford for the agricultural and mechanical products of our labor, and in the exchange of commodities that would result from this trade, it is highly desirable that Texas should become a part of our Union. If, on the other hand its admission into the confederacy should not take place, the consequence to us would be perilous, perhaps disastrous. The General Government has located on our borders, and those of Arkansas, immense hordes of Indians; whose warriors, at this time amount to nearly forty thousand, and in the limits of Texas they are computed to be about twenty thousand more.

In the event of a war with Texas, either as a principal or an ally, it would be an easy thing to precipitate on our territory a fearful number of these savages. A servile war too could easily be excited among us, and, when is added to these, the blockade of the mouth of the Mississippi, whereby all our products reach their destination, the evil would be intolerable. And as a field too, whereby an invasion of our soil, by a foreign enemy, could be rendered so easy, as to be used at discretion, the acquisition of Texas becomes to us a matter of the first moment.

I have alluded to these points by which the question

bears directly on our state, but in consequence of its general agitation throughout the Union I have not thought proper to bring to your consideration the other bearings of this great question, on our relations as a confederacy.

As no doubt is entertained on the subject of the wishes and feelings of all our members in Congress in relation to this matter, and of their anxious desire to aid in the accomplishment of this great national object, in order therefore, that the wishes of the people in this State may be fully known and understood by the Congress of the United States, I would respectfully suggest that you memorialize Congress in favor of the annexation of Texas at a period as early as practicable.

Closely connected with this subject, is the subject of our title to the territory of Oregon. The possession of this country by the United States is not only important in a military and commercial point of view, but it assumes a more important aspect when it becomes necessary for us to assert our clear right to it against the pretended claim of the British Government. The studied policy of that Government in availing itself of every possible pretext to extend its territory, whereby protection can be afforded to its great marine, and a market opened for its immense manufactures, is too well known to require explanation or comment here. Shall we tamely submit when our soil is invaded, and a military force planted on it, that will render its recovery, at a future day, a matter of great doubt, perhaps of impossibility.

We owe to ourselves, as a nation, to assert and maintain, at all hazards, the integrity of our territory, and we owe besides, to those who have planted their homes in this new region, that protection which they have the right to claim as American citizens on American soil. As many of our most valuable citizens have emigrated to that territory, it seems to me that an expression of the public feeling on this subject would come with peculiar propriety from the General Assembly of this State, and I cheerfully recommend this course to you.

At the last session of the Legislature an act was passed

entitled "An act to provide for the sale of lands for the taxes." Under the operation of this law a very large amount of land has been offered for sale, and no inconsiderable quantity sold, and although the object, intended to be accomplished by this law, was of itself, perfectly just and right, yet it is believed that it has operated very unequally and even unjustly on innocent persons.

In many cases, persons have purchased tracts of land, believing that their title was perfect, and that there was no claim whatever on it, and the first notice they have had to the contrary, was the fact that their lands had been sold for taxes in arrear, by the sheriff of the county, and were now the property of another. This evil should be remedied as far as possible by the Legislature.

In the twenty-second section of said act, it is made the duty of the Register of Lands to give notice of the time and place of any sale to be made by the sheriff, under the provisions of this act, at least six weeks before such sale; said notice shall be once inserted in some newspaper printed in this State.

It is the general opinion that the above notice is entirely insufficient to give the necessary information to those interested. It is therefore recommended that the time of notice should be longer, that the publication should be made in at least two papers, and that two years should be allowed to every person whose lands may hereafter be sold under the provisions of this act, to redeem the same, and that publication should be made annually of the lands that have thus been sold, together with the name of the purchaser, and the amount required to redeem them.

In the south-eastern part of the State, there is a tract of country known by the name of the "Great Swamp," which is subject to overflow a great part of the year. The whole of this inundated land is now in possession of the General Government, and will perhaps remain so forever, unless some means shall be devised, by which it can be drained. In its present condition, it is dealing out disease, sickness and death upon those who live on the lands con-

tiguous. It does therefore appear to be but just that the General Government should unite with those who feel a deep interest in removing this nuisance from among them, and to this end I invite your attention to the subject, and respectfully recommend a memorial to Congress proposing the donation by the General Government of the whole, or such part of these lands, as may be proper, to the counties in which they are situated, upon condition that these counties will undertake to drain the lands thus donated. Such a measure would greatly increase the value of the adjacent public lands, facilitate the intercourse between the citizens of that region of the State, afford a fund whereby these swamps may be drained, and render healthy a country capable of supporting a dense population.

The last Legislature passed a memorial to Congress on the subject of providing for the defence of the western frontier of our State, by furnishing mounted dragoons as the most efficient force that could be employed against the Indians on our border. I congratulate you on the fact that, at the last session of Congress, an act was passed to remount the second regiment of dragoons, whose services will be the means of affording protection to those who live on our western line.

There has been repeated legislation on the subject of ascertaining the actual strength and condition of the militia of this State, in order that the Adjutant General might report the correct number to the proper authority of the General Government, and our State be thereby entitled to its full share of the public arms. It is believed that all the legislation, heretofore had on this subject, has most signally failed, and that great loss has been sustained by the State annually, in consequence. The exposed situation of Missouri, liable to attack at any moment, from the Indians located on our frontier, renders it very important that some important measure be adopted that would enable the State to receive its full quota of arms.

In consequence of the imperfect organization of the militia at this time, no certain reliance can be placed on the

reports made by the few officers now in commission. I suggest to the General Assembly the propriety of passing an act requiring the assessor of each county, when he is engaged in listing the taxable property, to write down the name of each person subject to militia duty in his county, and to report the number thus found, to the Brigadier General in whose brigade his county may be situated and that the Brigadier Generals should consolidate the reports thus made to them, and return the aggregate of the brigade to the Adjutant General, to be by him reported as the true strength of the militia of this State. The names of the entire militia of each county of the State, being thus obtained, a speedy organization could be effected at any time.

In order to enforce a strict compliance with the duties thus imposed on the assessor, the county court should not be allowed to audit the accounts of this officer, until he has produced satisfactory evidence of his having complied with the provisions of the law in this respect.

I entertain no doubt but that this plan would produce a closer approximation to the true strength of the militia of the State than any other that has hitherto been adopted, and that the additional labor that would be imposed on the assessors, would not be found to add very materially to the expense of ascertaining the amount of taxable property in the State, and bear but a very small proportion to the increased amount of arms that would be thus produced.

By an act of the last General Assembly approved on the sixteenth day of January, 1843, the number of the circuit courts, to be held in each county from and after its passage, was reduced from three in each year to two, and among other provisions it was enacted in the third section: "That in all suits brought in the circuit courts and in the St. Louis court of common pleas, in this State, issues shall be made up as now provided by the act entitled 'An act to regulate the practice at law,' approved; 17th March, 1835, and after the issues shall have been made up, the suits shall stand continued until the second term, when they shall be tried unless continued for good cause. It is believed

that no serious objection exists to the reduction of the number of the terms of the circuit courts in each county, but the delay that is occasioned in the collection of debts by virtue of the third section of the law, as quoted above, is rightly considered by many, as manifestly unjust in its operation on creditors. In addition to this consideration, may not such an unnecessary delay in the collection of debts be regarded as an inducement to many to sue, who, under other circumstances, would not resort to this course to secure their demands?

Believing that much evil results from the operation of the third section of the above recited act, and also from the fourth section of the same, by which the same rule is applied to Justice's courts, I accordingly recommend their repeal.

The Constitution of the State makes it the duty of the General Assembly, at the expiration of every period of ten years, to revise, digest and promulgate "all the statute laws of a general nature both civil and criminal."

In furtherance of this constitutional provision, the last General Assembly passed an act to provide for revising and digesting the laws of this State, and appointed William B. Napton, Henry S. Geyer and William Scott, commissioners for that purpose, who were required to prepare a revision of the laws and submit the same to the present General Assembly. Mr. Geyer declining to accept, the late Executive appointed James W. Morrow in his place. The commissioners will, no doubt, at an early day, lay before you the result of their labors.

It is needless to press upon you the deep importance of this subject, and the necessity of giving to the report submitted to you, a fair and deliberate examination. The stability of property, individual liberty and indeed the general prosperity and happiness of the people of our State mainly depend on a wholesome system of statute laws, and nothing produces a greater tendency to the preservation of the public peace and good faith among individuals, than well considered and wisely digested laws.

In directing the publication of the code that may be

adopted by the General Assembly, I recommend that the number of copies printed for the use of the State should not be less than ten thousand. The increase of our population, the corresponding increase of civil officers, and the fact that three editions of the last code were printed for the use of the State, induce the belief that the number recommended would not be too large.

From the report of the Inspectors of the Penitentiary, which will be laid before you at an early day in your session, you will be informed of the condition and management of the prison during the last two years. At the time the present lessees took possession of the Penitentiary, there were about one hundred and thirty convicts in confinement. There are now about one hundred and eighty in the institution and about twenty or twenty-five at large, who have escaped. There are only eighty cells in the prison, consequently two and sometimes three convicts are necessarily confined in one cell. This is subversive of all discipline, and is undoubtedly one of the causes of the numerous conspiracies and escapes that have occurred within the term of the present lease. An increase of the present number of cells, under such circumstances, becomes absolutely necessary. I recommend also that some provision be made for the separate confinement of female convicts.

I feel it to be my duty to recommend to your serious consideration, the erection of a lunatic asylum in this State. From the census of 1840, taken by the General Government, it appears that there are in Missouri sixty-eight insane and idiot persons. From a fair proportion of these and from the probable increase of this number since that time, it is reasonable to suppose that there are now in our state about fifty insane persons. By the provisions of our law, such unfortunate beings are confined in our county jails where they seldom if ever receive any of those soft and kind attentions that have been found so necessary for their recovery and restoration to society. This has forced many of our citizens to send to foreign institutions of this kind, the insane who happened to be connected with them by ties of

relationship or dependence. This should not be so and we should alter, at the earliest practicable period, our system of policy which seems to regard these hapless beings as fit subjects for association with felons and murderers, as men whose misfortune is made the subject of the same punishment as the violators of the criminal code of the land, and whose secure confinement in a prison is considered essential to the repose of society.

The very construction of our county prison precludes the idea of the comfort that is essential to the proper repose of the insane confined therein, and the usual management of these institutions necessarily debars such unfortunate inmates from the liberty and apparent freedom from restraint, that are found to be such important agents in soothing and strengthening their disordered intellects. It is true that a kind Jailor may sometimes ameliorate their condition, but it can scarcely be supposed that his attention, distracted by his other prisoners, can be rendered very serviceable, or that his efforts can tend much to the recovery of the lunatics in his custody, when he has neither the skill nor time to use the only means that have been found effectual in their cure. The consequence is that the future restoration of the lunatic, if not rendered wholly impossible, is made a matter of great doubt and difficulty. It is our duty as a Christian people, to treat these miserable beings, from whom, for some wise purpose, doubtless, our CREATOR has withheld the noblest one of his gifts, as fit subjects for our compassion and not as objects of our punishment, and to regard their calamity as an appeal to our protection and not as an incentive to our inhumanity.

I recommend therefore, that provision be made for the erection or purchase of a suitable building, in the City of Jefferson, for the reception of the lunatics of our State. It is true that the finances of our state will not justify the expenditure of a large amount for this purpose, but in a matter that appeals so strongly to our humanity, the only consideration of cost that ought to be entertained should be that which would limit the expense to the amount absolutely

necessary to effect the object. The statistical tables from other States show an immense proportion of cures of the insane committed within a year, and as the number with us is as yet small, the annual expense, after the institution is once in operation and with the fair proportion of cures, would be comparatively inconsiderable. There is also another point of view in which this institution may be beneficial. The plea of insanity has become a very common one, in cases of homicide, and when it is used successfully the offender is turned loose upon the community; perhaps to repeat the offense for which he was arraigned. Would it not be well by making this plea a special one, one on which the jury must specially determine on the fact of madness, to imprison the accused in the Asylum until he has been pronounced, by competent authority, entirely cured of his homicidal propensities? To these subjects I invite your serious attention.

I transmit to you the annual report of the Inspectors of the State Tobacco Warehouse in St. Louis. From their statement it will be seen that the receipts on account of the State for the last fiscal year, amount to the sum of seven hundred and sixty dollars and fifty cents. When it is recollected that the sum of two thousand five hundred dollars is annually paid by the State, on its bonds issued for the purchase of the site and the erection of this warehouse, it becomes a matter of grave consideration whether the State should not free itself from this incumbrance. It is true that the estimated receipts for the first year may not be considered as a fair average for the future, but may not the expectation be justly entertained, that as the trade in this staple of our State increases, private enterprise will start up to participate in its benefits? In such an event competition will reduce the income of the State warehouse, and it will be rendered very questionable, whether, at any time, the revenue, derived from this source, will equal the amount of interest annually accruing.

No injury can arise to our citizens from the discontinuance of this warehouse as the inspection of tobacco can

still be obtained in St. Louis. I am of the opinion that it is the interest of the State to dispose of this property at the earliest period. The increased value of real estate in the City of St. Louis induces me to believe that the State can dispose of it on such terms as will secure it from any serious loss.

The Auditor of Public Accounts will in due time report to you the condition of the Treasury at the end of the two last fiscal years. From his report you will find that the balance remaining in the Treasury on the first day of October, 1842, was

\$41,356.36

The amount received during the two fiscal years

ending 30th September, 1844, is 393,953.46

Making the sum of \$435,309.82

There has been disbursed during

the above period the sum of \$376,987.40

Amount of wolf scalp certificates

burnt 9,628.00 \$386,615.40

Balance \$4,694.42

Leaving this balance in the Treasury on the first day of October 1844.

This sum consists of various special funds which are not subject to the payment of the current expenses of the Government.

It will also be seen that the amount of State bonds, that have been issued and sold, is nine hundred and twenty-two thousand two hundred and sixty-one dollars bearing interest at the rate of from five and a half to ten per centum per annum, making the annual interest that accrues, more than seventy thousand dollars.

Of the amount due on account of State bonds, the sum of two hundred and seventy-eight thousand, two hundred and sixty-one dollars, is now bearing an interest of at the rate of ten per centum per annum, and these bonds are redeemable in 1846. As there is no probability of raising the amount necessary to redeem these bonds at that time,

it is respectfully submitted, that new bonds be issued for the amount bearing a less interest, and that the money arising from their sale be applied to the payment of the first named bonds. State bonds from their sale be applied to the payment of the first named bonds. State bonds bearing eight per centum per annum, issued at the last session of the Legislature, were readily sold, and I have no doubt but that others bearing a similar rate of interest could be as readily disposed of. By this operation the Treasury would gain the sum of five thousand, five hundred and sixty-five dollars annually.

This, however, would afford but partial relief. Where to the current expenses of the Government is added the amount of interest annually accruing on the State bonds, it will be seen that the annual expenditures of the State will greatly exceed its income. The deficit thus arising, it is thought, will not be less than fifty thousand dollars annually.

To extricate us from this condition, no alternative is left but to continue the issue of State bonds, or to resort to an increased rate of taxation.

I cannot recommend the first mode, for the obvious reason, that such a course would only render our difficulties the greater. The interest accruing on this fresh issue of bonds would swell our debt so as to require each year a new loan, and the payment of the debt, thus continually increasing, would be rendered a matter of serious difficulty.

Taxation, then, in my opinion, must be resorted to for this purpose; and I respectfully suggest to the General Assembly, whether it would not be advisable to free ourselves from this burden of debt at the earliest practicable period, and whether we should not make the attempt now, when that burden is comparatively light.

We owe it to ourselves to pay the debts of our own contracting. It is most assuredly bad policy to wait for the increasing resources of the State to discharge debts that are increasing still more rapidly, and to me it seems a matter of very questionable morality for us to incur obligations and leave to our posterity the task of discharging them.

I am aware that the proposition of an increase of taxation is not likely to meet with universal favor; but we cannot close our eyes on the prospect of our increasing debt and it becomes my painful duty to urge upon you the necessity of this course.

Although the rate of taxation was increased at the last session of the Legislature about twenty per cent., yet, in consequence of the very great reduction in the price of all kinds of property, and the very low rate at which the assessors valued the property in their respective counties, it is very certain that the amount of revenue that will be received, will not increase in a corresponding proportion, notwithstanding the greater amount of property subject to taxation in this State in each succeeding year.

It is true that the various taxes, to which our citizens are subjected, render their payment sometimes difficult, yet I am inclined to think that the taxation levied by counties and corporations constitutes in a majority of cases, the chief portion of the burden. If the right exercised by these powers be limited, the revenues of the State may be increased in a corresponding degree, without imposing any additional burden on the people.

The condition of our university and of our common schools will be duly communicated to you by the Secretary of State. It is very much to be regretted that the dividends declared by the Bank of the State of Missouri, on these funds, have been so small as to impair seriously the benefits expected to be derived from them. There are now invested in this institution, by the State, the following sums: The sum of one hundred thousand dollars for the use and benefit of the University, and five hundred and seventy-five thousand, six hundred and sixty-seven dollars and ninety-six cents on account of the common school fund. On the 31st day of December, 1842, the bank declared a dividend of three per cent. on the capital stock paid in, and it has declared no dividend since. Judging from the experience of the last four years, the seminary and common school funds will be rendered almost useless if they depend

on the profits arising from their investment in the bank. The amount arising from this source will be entirely insufficient to meet the demands made annually on these two funds; and in my opinion, the General Assembly should provide some means by which they may produce a greater amount of income. If indeed the position be correct, that our free institutions cannot be preserved and perpetuated without diffusing general information among our citizens, how many sacrifices should our people not consent to make to preserve from depreciation and loss the sums which were placed in their possession for such important purposes? For it should be borne in mind that the State is entirely indebted, under compact with the General Government, for the funds now under consideration, and that our own citizens have not contributed towards any portion of them.

It will be seen by the report of the curators of the University, herewith transmitted, that the time has now arrived when that institution must cease to exist, and all the fond hopes which were at one time entertained of its usefulness, be forever blasted. Shall this result be permitted to take place? It is for this Legislature to determine. It is well known that, without pecuniary aid, the University cannot be sustained; and in this, as in every other system of public instruction, it is essential to success that the income accruing should be certain and permanent. Every plan of education, must languish and die that subjects professors and teachers to fluctuations and delays in the receipt of their compensation.

The question now is, what aid will the State afford the University in this its most trying necessity?

When the State invested the fund which was set apart for the support of the University, in the stock of the Bank of the State of Missouri, no doubt was entertained but that it was done under the belief that it would be both a safe and profitable investment; but the experience of nearly the last three years induces the opinion that it is neither the one nor the other. The average dividends declared by the bank for this period on the capital stock thus invested have been

little more than one per centum, and the value of the stock at this time, if put in market, is believed not to exceed seventy-five per centum. Great loss has therefore been sustained by the seminary and common school fund by being thus invested by the State in bank stock; and it is respectfully submitted whether good faith does not require that the State should guarantee to both these funds an annual income, equal to six per centum, the rate of legal interest allowed by law. Should this suggestion meet with your favorable consideration, it would perhaps be due to the State, in return for such guarantee, that if, at any time, the dividends on these stocks should exceed six per centum per annum, such excess should be paid into the State treasury.

In the mean time, if, under the Constitution of the State and the act incorporating the bank, the power is clearly reserved to the Legislature to make any disposition of these funds, which, in their opinion, would prove more safe and profitable than their present investment, would it not be well, if the stock held in the bank, on account of these two funds, be sold, and the proceeds invested in such State securities as are in market, or can be procured by negotiation. If these stocks will realize seventy-five per centum, the seminary fund (for instance) would amount to seventy-five thousand dollars. This sum invested in State bonds bearing at the lowest rate six per centum, would produce four thousand five hundred dollars annually, which is far more than the meagre amount arising from the dividends of the bank, which have realized on the capital stock of one hundred thousand dollars, the annual amount, for nearly the last three years, of about one thousand dollars.

If the General Assembly, then, should think itself bound to take care that these funds suffer no diminution, might not the deficit thus created be supplied by money arising from the sale of the five hundred thousand acres of land granted to this State by Congress? It is true, that the assent of Congress must previously be obtained, yet I think that on a memorial to that effect there would be no

difficulty in obtaining for this purpose a modification of the grant, which would still leave a large sum for an internal improvement fund.

The great cost of the construction of the public buildings in the City of Jefferson, in my opinion, renders advisable some measure to guard them against destruction by fire. By virtue of an act of the last General Assembly, the fire places of the capitol have been laid with sheet iron, so as to, in a great degree, prevent all danger from that source, yet the building is far from being fire proof. Perhaps it is as much so as it can be rendered; yet to guard against accidents, I would recommend to you the propriety of causing to be dug, on the capitol hill, one or more cisterns, and the purchase of a fire engine with the necessary hose. The public spirit of the citizens of Jefferson, I have no doubt, would soon organize a fire company, whose services would be cheerfully rendered in behalf of the State.

Among the documents which accompany this communication will be found a letter from the Treasury Department of the United States requesting certain statistical information respecting this State, which I respectfully refer to you, with a suggestion of the propriety of making it the duty of sheriffs, when they take the census of this State, to collect and report the information thus desired for the use of both the State and General Governments. You will also find a correspondence between the late Governor of this State and the Governor of Illinois, in relation to the surrender of Richard Eels, a fugitive from justice, charged with having assisted in decoying slaves from this State.

I invite your particular attention to this subject. The other accompanying documents have been received from the several States and from individuals, with a request that they be laid before the General Assembly.

From a communication of the Register of Lands, herewith transmitted, it will be seen that nearly one half of the grant to this State by Congress of five hundred thousand acres of land has been selected by the commissioners appointed for this purpose, and that in the land districts of

the United States the proportion of these lands has been selected as follows:

	Acres.	Hdts.
In the Palmyra land district,	48,678	16
" " Springfield "	64,098	49
" " Fayette "	67,309	87
	<hr/>	
	180,086	52
Amount selected in the Lexington district, and not yet acted on by the Secretary of the Treasury.	46,565	07
	<hr/>	
Making	226,651	59
Of this quantity there have been sold in the Fayette land district,	5,137	32
In the Springfield district	160	00
	<hr/>	
	5,297	32

For the sum of six thousand six hundred and twenty-one dollars and sixty-one cents. There yet remains to be selected, two hundred and seventy three thousand three hundred and forty-eight and 4-100 acres, which by an act of the last General Assembly, are directed to be taken in the counties of Platte, Buchanan, Andrew and Holt.

In pursuance of the provisions of this act, a commissioner was appointed by the late executive, and directed to proceed as early as practicable in the discharge of the duties imposed on him by law.

His report has not as yet been received but will in all probability, be filed in the office of Register of Lands at an early period of your session.

The act above referred to provides for the sale of such lands only as were held by pre-emption claims, and authorises the person holding their right, to come forward, prove and pay for the same within one year from the date of the proclamation of the Governor, at the rate of one dollar and twenty-five cents per acre.

In consequence of this restriction imposed on the purchase of these lands, only a small portion of them has been sold. I recommend such an amendment to this act, as will authorise the sale of any part of the selected lands, whether held by preemption or otherwise.

Closely connected with this subject, is that of internal improvements by this State.

Should the General Assembly adopt the suggestion made in another part of this communication, relative to the appropriation of a portion of the money arising from the sale of the lands above referred to, for the purpose of indemnifying to the seminary and State school funds, the amount which they may have lost by being invested in bank stock, there would doubtless still be a large sum remaining to be expended in such objects of internal improvements as shall be deemed most expedient; among these the most important, it is believed, is the improvement of the Osage and North Grand rivers.

These two rivers present in my opinion, very strong claims to the consideration of the Legislature, though doubtless there are many other objects on which a portion of this fund may be very beneficially expended.

In conclusion, I trust that your deliberations may be attended with harmony, and that your action may prove beneficial to the best interests of the people of the State.

M. M. MARMADUKE.

CITY OF JEFFERSON, Nov. 18TH, 1844.

PROCLAMATIONS

ON THANKSGIVING

NOVEMBER 28, 1844

From the Jefferson Inquirer, Nov. 28, 1844

WHEREAS, it is considered right and proper that we should gratefully acknowledge the goodness of God, displayed in the preservation of our lives, our civil and religious liberties, and our republican institutions, and for every blessing, temporal and spiritual, which we enjoy; and WHEREAS, the protection of the State from invasion, insurrection, and intestine commotion, and the citizens from pestilence and plague, equally demands a return of thanks to Him whose arm has brought this protection.

NOW, THEREFORE, under a full sense of obligation and duty, and in accordance with the request of various religious denominations, I, M. M. MARMADUKE, Governor of the State of Missouri, do, by this my public proclamation, recommend to the people of this State, without any distinction of sect, denomination or creed, that they observe THURSDAY, the 28th day of November next, as a day of Thanksgiving to Almighty God for his favor extended to us, nationally and individually.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, this nineteenth day of
(SEAL) October, in the Year of our Lord, one thousand eight hundred and forty four, and of the State the twenty fifth.

M. M. MARMADUKE.

By the Governor:

JAS. L. MINOR,
Secretary of State.

JEFFERSON CITY, OCTOBER 31, 1844.

MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

JUNE 4, 1844

From the Register of Civil Proceedings, 1837-1852, p. 255

The Governor issued two writs of election, as follows: One to the Sheriff of Franklin County, to hold an election on the first Monday in August next, for a senator to supply the vacancy created in the 23rd Senatorial District, consisting of the counties of Franklin and Jefferson, by the death of Hon. William R. Ellett.

One to the Sheriff of Saline County, to hold an election on the same day, to supply the vacancy created by the death of Hon. Benjamin P. Major, in the Senatorial District composed of the Counties of Saline, Pettis and Benton. The Sheriffs were each required to give twenty days of the election aforesaid.

JUNE 13, 1844

From the Register of Civil Proceedings, 1837-1852, p. 255

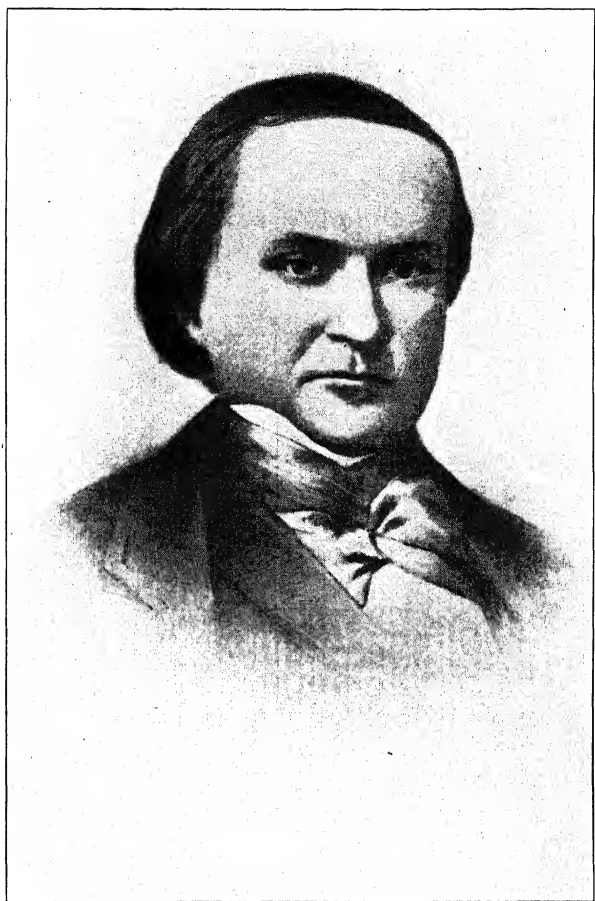
The Governor issued a writ of election to the Sheriff of Buchanan County, directing an election to be held, after 20 days previous notice has been given, on the first Monday of August next ensuing for a senator to supply the vacancy occasioned by the resignation of General Cornelius Gilliam, senator from the 10th senatorial district, composed of the counties of Buchanan Andrew & Holt.

SEPTEMBER 19, 1844

From the Register of Civil Proceedings, 1837-1852, p. 267

The Governor issued a writ of election directed to the Sheriff of Perry County, commanding him to hold an election in that County, on Monday the 4th day of November next, after giving twenty days notice thereof, for a Representative to supply the vacancy occasioned by the resignation of Francis Clark Esq.

GOVERNOR JOHN CUMMINS EDWARDS



JOHN C. EDWARDS
Governor 1844-1848

JOHN C. EDWARDS

BY

CORNELIUS ROACH

John Cummins Edwards was the ninth person who served the State as governor, though the seventh elected governor. His predecessor, M. M. Marmaduke, was elected lieutenant governor, and became acting governor because of the death of Gov. Thomas Reynolds. Abraham J. Williams, third acting governor, (for four months) by virtue of his having been president of the State Senate, succeeded the second governor, Frederick Bates. John C. Edwards was elected governor in August, 1844. His term expired in 1848.

John C. Edwards was born June 24, 1806, in Kentucky. He was the oldest son of John and Sarah (Cummins) Edwards. His brothers and sisters, in order of age, were Elizabeth, who became the wife of Dr. Henry Stringfellow, St. Joseph, Mo., Edward Livingstone, William, Richard, Julia, who died in youth, Patrick Henry, who died in Neosho, Mo., in 1883, and Sarah Cummins, who three years before her brother became governor was married to Warren Henry Graves. After John C. had achieved distinction in his new Missouri home, his parents, brothers and sisters followed. His father and mother settled in Springfield, where the former died in 1835 and the latter in 1850.

John C. Edwards' father was a wealthy planter who emigrated from Virginia to Rutherford county, Tenn. Probably owing to delays and indecision always incident to pioneer life, especially in locating a home and "settling down," circumstances made John C. a Kentuckian. His brothers and sisters were all natives of Tennessee, and he always called himself a Tennessean. He was educated in a classical school near Murfreesboro conducted by a Dr. Henderson. He studied law in the office of Samuel

H. Laughlin, state's attorney for Rutherford county, until licensed to practice.

In 1828, Edwards came to Missouri and settled at Jefferson City. December 8, 1830, Gov. John Miller, the only person who was ever twice elected chief executive of Missouri, appointed him secretary of state, which office he held till March 23, 1835. With John G. Williams, he was elected one of the two members of the general assembly to which Cole county was entitled in the Ninth General Assembly, 1836. He was a second time appointed secretary of state, serving from January 25, 1837, till May 27, of the same year.

In June following, Gov. Lilburn W. Boggs appointed him a member of the Supreme Court to fill a vacancy created by the resignation of Judge Robert Wash. Owing to a political difference, his name was not sent for confirmation to the succeeding senate, whereupon his tenure ended, and William B. Napton was appointed, Jan. 13, 1839, his successor. Dissatisfaction largely growing out of this circumstance, so influenced public sentiment as to bring about ultimately the change in the Constitution which provided for making the judiciary elective.

In 1840, Judge Edwards was elected at large with John Miller, as one of the two representatives of Missouri in the Twenty-seventh Congress of the United States. He served but one Congressional term.

When elected governor in 1844, he was the youngest chief executive Missouri had ever honored with that high office. He was elected by the "Benton" Democrats over Charles H. Allen by a vote of 36,978 to 31,357. During his term in Congress, Edwards and Senator Benton had become fast friends. Allen ran as an independent democratic candidate, with the solid support of the Whig party, the "Softs," and the independents.

Governor John C. Edwards was Missouri's "Mexican War" governor. The State has never had an administration so filled with conflict and excitement. The year he was elected, the population numbered 511,937 of which

70,300 were slaves. New counties were being organized at a greater rate than before or since. The location and selection of county seats, "future-greats", kept local interest at fever heat—even when actual clashes were not avoided.

A "little war with Iowa" over the northern boundary line created much bad feeling. During Edwards' administration, this troublesome question was settled. The second year of his term was marked by Missouri's second constitutional convention. This body convened November 17, 1845, and adjourned January 14, 1846,—a session of fifty-eight days at a total cost of \$15,000. In those early days legislative assemblies and constitutional bodies were comparatively inexpensive affairs.

In August, 1846, the proposed new constitution was defeated by a little over 9,000 in a total of 60,000 votes cast. The primary cause of its defeat was the new provision placing the judiciary on an elective basis. A succeeding general assembly, however, submitted to the public amendments to the old constitution in accord with this idea and when submitted these amendments were ratified. Governor Edwards thus finally triumphed in the contest that had its inception when Gov. Boggs refused to send to the senate his name for confirmation, after having appointed him to the supreme bench.

Salient features of Governor Edwards' administration were legislative memorials to the U. S. Congress for the improvement of the Osage river, building a railway from Hannibal to St. Joseph, organizing the territory west of Missouri, reclaiming the swamp lands of Southeast Missouri, and the enactment of more effective federal laws for the recovery of fugitive slaves. A bill was passed providing for instructing the deaf, dumb and blind, and another for the establishment of an "asylum for the insane." Intellectuals among the proletariat were just beginning to dream that insanity might be treated as a disease, and that the defective, for humanity's sake, at least, would perhaps better be taken out of the class of helpless liabilities.

Governor Edwards issued the orders that sent the Doniphan and the Price expedition to Santa Fe and against Mexico. These Missouri militarists, when all obstacles, triumphs, and meager losses of victors are considered, made a record unparalleled in the history of America, and perhaps of the world. The great interest taken by Missourians in the Mexican War and the glorious success of the Missouri troops in the conflict, reflected great credit upon the governor and the State.

The two fiscal years ending September 30, 1844, at the beginning of Governor Edwards' term, showed total state receipts of \$435,309.82 and expenditures of \$376,987.40.

As his term was closing, he sent a valedictory message to the general assembly which elicited comment for many years. He said, "The governorship is a despicable office for any man to be condemned to hold. Two of my predecessors have resigned before their terms were out, and a third committed suicide. I have been compelled to go armed to protect myself against assassins."

The general assembly of 1846 was disposed to criticise the expenditures of his office. By resolution duly passed, he was asked to itemize. He resented the implications, and made a contemptuous but more or less humorous reply, in part as follows: "In the next place, with due respect to the honorable mover, the answer is that the expenses of the executive were various. His breakfast, his dinner, or his tea, when he had time and appetite to eat it; an apple, or a sponge-cake, a piece of cheese, or a cracker, a glass of brandy or some old rye when from hard travel, much fatigue or great want of sleep, he was too unwell to take more substantial food, or else from rapid traveling had no time to stop and get it; the blacking of his boots, or the brushing of the dust out of his coat, or hiring a servant to hasten his dinner instead of forcing him to eat through a series of courses; hack hire and omnibus fare, portorage and drayage, stage fare, railroad fare, steamboat fare on the lakes, gulfs, rivers and bays; all of these and various other items multiplied many times over, perhaps thousands,

in the trips of six thousand miles, make up the items of expense to the executive—a long list hard to get and hard to give.”

The year after his strenuous term expired, the gold excitement in California spread from ocean to ocean. Governor Edwards yet a bachelor, and only a little over forty, caught the gold fever and joined the throngs headed for the “Golden West.” Upon his arrival, he located in Stockton. For a short time he engaged in business. Soon, however, he bought a three hundred and sixty acre ranch of uncultivated land about two miles out of town. To stock-raising and grain growing he gave his attention.

For five years, he endured the loneliness of the ranchman, relieved only by occasional trips and visits to the social life of the nearby city. May 4, 1854, he was married in Stockton to Miss Emma Jeanne Catherine Richard, gentle and accomplished daughter of Monsieur Etienne Richard, a former resident of New Orleans, follower of Marquis de la Lafayette. Miss Richard had arrived in Stockton in 1850 with her widowed mother, coming by way of the Gulf of Mexico, Caribbean Sea, Isthmus of Panama, and Pacific Ocean. She was born January 8, 1835, and was twenty-nine years younger than her husband. Of the marriage, eleven children were born, eight of whom are living, viz., John Warren Edwards, Stockton; Emma Sarah Etienne, wife of James Gordon Green, Boise, Idaho; Henry Livingston Edwards, Merino, Colorado; Thomas Jefferson Edwards, Snyder, Colorado; Robert Lee Edwards, Stockton; Julia Frances, now Mrs. Melville C. Meeker, Meeker, California; Paul Richard Edwards, San Francisco; Arthur Stephen Edwards, San Francisco.

In 1922 Gov. Edwards' widow, aged 89, in fairly good health, was still living with one of her sons in San Francisco, where she had resided for many years.

Governor Edwards became affiliated with the Christian Church at Stockton. Fifteen years after his marriage he moved with his family into the city to reside. The change was primarily made to give his children better school ad-

vantages. In 1873, he moved from Stockton to try life at a higher altitude in the mountains. Here his health was restored after a few years, and he returned to Stockton with his family, where he continued to reside till his death. He died September 17, 1888, at the age of eighty-two years and nearly three months, with his devoted wife and all but two of his living children at his bedside.

In early life he was a man of modest means, in middle life quite prosperous, but in later years, due to impaired health, his estate had dwindled. He was a man of culture and refinement, good looking, a fine dresser, and a graceful dancer. After locating in California, he never re-entered public life, nor engaged in politics except to suffer himself to be elected Mayor of Stockton in 1851 for one term. The office carried no salary, but he accepted the office only because he wished to force to completion certain important improvements.

Governor John C. Edwards was honest, progressive, and generous. No governor Missouri ever had dealt with relatively more important matters or left a better record. Though not married till nearly fifty, when he did marry he chose most wisely and left a large family, all of whom are a credit to their distinguished father and their country,—and especially to the State of Missouri which was so well served by him in legislative, executive and judicial capacities.

This sketch would not be complete without an acknowledgment herein for valuable help given by descendants, direct and collateral, both in and out of the state, especially to Mrs. Emma S. E. Green of Boise, Idaho, whose likeness in spirit and ability to her father has given her recognition and distinction in her adopted state resembling in a degree that achieved in Missouri by Governor John Cummins Edwards.

INAUGURAL ADDRESS

NOVEMBER 20, 1844

From the Journal of the Senate, pp. 30-39

Fellow-Citizens of the Senate and House of Representatives:

It appears from the count of the official vote, that I have been duly chosen Governor of the State for the next four years. Of this fact, the committee raised for the purpose, from the two Houses in joint session, have just given me official notice. As a more appropriate opportunity than this may not present itself, let me here return to you and to our fellow-citizens at large, my unfeigned acknowledgments for this expression of confidence and for the partiality thus shown me.

In taking the Executive chair, it has been usual for the incumbent to give to the Legislature, and through it to the people of the State, an outline of the principles upon which the affairs of the State, in the opinion of the Executive, should be administered. This is not a duty enjoined by any law, or by the constitution of the State: but is a practice which has grown up with the government, seldom if ever departed from, and with which, in entering upon the discharge of my official duties, it is now my purpose to comply.

In some things which I may deem it my duty to say, I may appear a little out of the common channel. If so, I must ask the kind indulgence of my fellow-citizens, until they have given themselves time to investigate and reflect before they proceed to condemn me. I am well aware that he who deviates at all from the beaten track of public opinion, or expresses an idea somewhat new in itself in politics, unless he has reached that eminence which makes his dress the fashion and his word the law, is often hastily set down as a simpleton or without reflection con-

demned as a blockhead, by the inconsiderate and especially by the prejudiced part of mankind. And yet the older track is not always right, nor the new one always wrong: But it must not be inferred from these remarks that I am going to wander wide from the ancient landmarks.

In the business of life it is always important to understand correctly on what we can rely, and on what we cannot rely for any given purpose. We are not wrong when we understand that we can rely upon government for the protection of our rights; but we are wrong when we understand that we can rely upon it for the support of ourselves and our families.

A few may be benefited, here and there, but the great body of the people cannot depend upon banks or protective tariffs, or distributions of the public revenue, or upon any other acts of government, whether state or national, for support or aid; and the propagation of doctrines which induce them to look to such sources for support or aid, are ruinous to the habits, the morals, and the interests of the country. We should bear in mind the fact that our support, the support of our government, and all our interests, depend mainly upon our own exertions.

With this truth before them, our public men and public officers should make no extravagant promises. They should not promise wealth to the people. The government cannot bestow wealth. On the contrary, both the government and the public officers want a support from the people for themselves. They should not promise to exempt the people from labor. The government cannot exempt them. On the contrary, the people must labor to support themselves, the public officers and the government. They should not promise to confer benefits on the people generally. The government has nothing to give except what it first takes from the people; and to take away to give back again would only be robbing one hand and restoring with the other; first deducting for its officers both the expense of robbing and restoring, and leaving the people in the end poorer than it originally found them.

They should not promise advantages to any particular class. The government cannot confer benefits upon a few without first extracting the means of doing so from the many. This would be unjust and partial, and the government should be just and impartial, and should act towards all men alike, and should go for the doctrine of equal rights, and pass equal laws to sustain them. They should not promise to make the people rich, for, as previously remarked, the government cannot bestow wealth because it is itself the largest beggar, and its wheels must stop whenever the people refuse to grant the necessary supplies to keep them in motion. The people must enrich themselves or they will forever remain poor. And we should never lose sight of the important truth, that on the labor of the people and the spontaneous productions of the earth, every man, and every public officer, and the government itself, must depend for support. No doctrine, then, should be taught, and no promises should be made by public men or public officers, in reference to our governments, which would retard the progress of industry among the great body of the people, and encourage a reliance upon the government instead of their own exertions for the means of obtaining the necessities and comforts of life. All should labor.

But if these things should not, still many others may be safely promised. The laws can be distributed and faithfully executed. The rights of the weak and the honest can be protected from invasion by the strong and the vicious. A proper observance of all contracts can be enforced. The public expenditures can be made reasonable. The public moneys can be judiciously appropriated, and then properly applied to the purposes for which they are appropriated. If benefits cannot be conferred on the people, vice, immorality, crime, and practices injurious to the interests of the country, can be prevented. In legislating the wishes of the people can be carried out as far as they are practicable and constitutional. As far as the people are willing to furnish the means, laws can be passed to

provide for the construction of public works, and the money appropriated can be faithfully applied, and the works properly executed. Selfish, partial and speculative legislation, which while, it may contribute to the interest of a few, seldom fails to result greatly to the injury of the country at large, can be avoided. All these things can be safely promised, and by the co-operation of the legislature and the executive, can be accomplished. I hope that that co-operation may be had.

In our mixed form of government the true division of powers is always a question of vital importance. Under our system the powers which may become the subjects of legislation are divided between the people, the States and the United States, and in one or the other of these three bodies can be found every power of a political character, not excepting even those prohibited to the States.

The vast extent of the disputed questions which spring out of this division of powers, and the serious consequences to be apprehended from collision between the States and the United States, makes the true location of the boundary between the powers reserved by the people and the States, and those granted to the United States and prohibited to the States, a question of the first magnitude for the reflection of the American statesman, and of the deepest importance for the investigation of our State Legislatures. Our constitutions mark this boundary.

These are our only true land-marks, and by them we should be guided. In our State the bill of rights shows what powers have been reserved to the people; and the constitution of the United States shows what powers have been granted to that government; and the remainder of the powers belong to the States, unless prohibited to the States. The State can exercise all the powers which have not been withheld from it by the people, and which have not been granted by the State to the United States, nor prohibited to the States; but the United States can exercise only such powers as have been granted to it by the States. The government of the United States has no ex-

istence and can exercise no power, except that which it derives from the States.

The United States can exercise all the powers expressly granted her in the constitution of that government, and can "make all the laws which shall be necessary and proper for carrying into execution" the expressly granted powers; but any further exercise of power on the part of the United States is an encroachment on the powers reserved to the States or to the people, and a violation of their rights, and of the constitution of the United States.

But our constitutions are not regarded by all as settling the question in reference to the division of powers. A vast number of powers not expressly granted are claimed for the United States, on the one hand, and denied to that government, on the other. One party would add to the powers expressly granted to the United States, a list of constructive powers, undefined by the constitution, and unlimited in extent, setting the legislation of the United States afloat without chart or compass. The other party would confine the action of the United States to the expressly granted powers, and the power to make all laws necessary and proper to carry into execution all the expressly granted powers. On the one hand, the power to create a bank, to distribute the surplus revenue, to assume the payment of the State debts, to protect manufactures, to prohibit the importation of foreign merchandise, to abrogate all private contracts, and others, as occasion may require them, are claimed for the United States. On the other hand, all these powers are denied the United States, and the exercise of any one of them is registered as an encroachment upon the rights of the States or of the people, and as a violation of the constitution of the United States; and out of these collisions of opinion arise difficulties which threaten the existence of the Union itself.

The danger to be apprehended from these collisions makes it a matter of good policy in the United States to refrain from the exercise of doubtful powers.—All those who are friendly to the preservation of the Union should

abstain from the exercise of doubtful powers themselves; and discountenance the exercise of them by others. It is much safer to legislate too little, than to legislate too much; and if a power be disputed it is better not to touch it than to exercise it. Every officer takes an oath, to support the constitution of the United States. If a power be doubtful, of course it may not belong to the United States; and if it does not belong to the United States, and we exercise it, then we violate not only the constitution of the United States, but our oath to support that constitution. If we permit the power to remain where it belongs, no injury is done. By the exercise of disputed powers we destroy the harmony of the people—we create a prejudice against the United States, and hazard the existence of the government itself; but if we let the exercise of the doubtful powers alone, the people will move on peaceably, our governments will run smoothly together, and the union of the States will be strengthened and perpetuated.—The United States had, therefore, better refrain from the exercise of doubtful powers.

The exercise of disputed powers by the United States, renders our State legislation insignificant, compared with national legislation; and the influence which the latter is exercising over many of our interests, and especially those of a pecuniary character, renders the investigation of national questions, one of the most imperative duties of our State Legislature.

To be convinced of the insignificance of our State legislation, and of the importance of that of the United States over that of our pecuniary interests, let us look no farther than to the revenue collected from and paid by the people of the State to each of the two governments, and the difference in the expense of collecting them. For example, our ordinary State revenue may be set down at one hundred thousand dollars annually, and the expense to the people of collecting it, at a small per cent. on that sum. The amount of revenue paid by the people of our State to the United States annually, is eight hundred thou-

sand dollars. The expense of collecting this, through the effect of the tariff on our western country, may be set down at eight hundred thousand dollars more. The amount paid to home manufacturers for their fabrics, over and above what would be paid for similar fabrics, if imported from foreign countries and not taxed higher than for revenue purposes, may be estimated at eight hundred thousand dollars more. The loss sustained by the depreciation in prices and the actual want of a market for much of our produce, in consequence of being deprived of foreign markets to a great extent, and confined to a limited and glutted home market, may be estimated at eight hundred thousand dollars more.

These are not given as accurate estimates, but by way of illustration; yet if not below, they are not far above the actual results; and if there be any thing like truth in them, the taxing power wielded by the United States, when changed from a revenue, and perverted to a protective power, becomes an immense engine and exercises an enormous influence over our interests, and taxes us at a ruinous rate, to enrich manufacturers in other sections of the Union.—This is one of the means practised of taking from the many and giving to the few—of taking from the poor and depositing with the rich—an expensive system of plunder, the cost of which falls upon the plundered. This subject merits investigation on the part of the Legislature.

In our questions of State policy, the subject of granting acts of incorporation has become prominent. When a factory of any description is about to be erected, an improvement to be undertaken, a bank to be established, an insurance company created, or when any other experiment is contemplated, it is not unusual for a company to apply for an act of incorporation for the purpose.—Under this act, if the experiment proves successful, and the corporation realizes immense profits, all these profits are divided among the stockholders, and the whole affair goes on swimmingly. But if the experiment is unprofitable in itself, or if from accident, or bad management, or design,

it proves unsuccessful, and fails with large debts outstanding, the loss falls upon the creditors, and the stockholders, though worth millions at home, go free. If an experiment proves successful for nineteen years, and the stockholders divide immense profits during that period of time, and grow rich as lords in doing so, and in the twentieth and last year of its existence, from accident or bad management, or design, the experiment fails, with large debts outstanding, the loss falls upon the creditors, and the stockholders with nineteen years of accumulated profits on hand, go free again.

A large portion of the people have long contended, that this practise of granting acts of incorporation, harmonises badly with justice and equity, and equal rights and equal privileges and good policy. In our State, the public attention has been awakening to the importance of this subject, and public prejudice has been operating strongly against its injustice, inequality and inexpediency.—Like all those practises, which imperceptibly extract revenues from the people its general tendency is to enrich the few, and impoverish the many; and this practice is therefore repugnant to the character and spirit of our institutions.

To refuse, however, to grant any act of incorporation, might be going too far. Cases may exist where the people of the country, may be benefited by granting them. But acts of incorporation should no longer be granted with the unlimited powers, privileges and immunities which have generally been extended to them. Power to contract, and be contracted with, to sue and be sued, and to hold the property necessary to carry on the legitimate business of the corporation, is about as much as should be granted them.

The laws by which members of corporations are exempted from individual responsibility, should be repealed, and the members of corporations should be placed upon the footing of all other individuals, and held responsible for their just debts, whether contracted individually or in their corporate capacity. It is shamefully iniquitous to

permit the members of a corporation to reap the profits of the experiment, say for nineteen years; almost the entire span of its existence—and then to let it fail in the twentieth, either by accident, bad management, or design, and drop the loss upon the unwary and unsuspecting people, and not upon those who have been reaping the profits during almost its entire existence. Those who reap the profit of such an experiment whilst it flourishes, should suffer the losses of the same experiment when it languishes.

Besides all this, the privileges heretofore granted to incorporated companies, have had a tendency to increase the inequality among men, and the government should do nothing to increase that inequality. It would be wrong to pass laws to force an equality, and to make an equal distribution of property between the idle and wasteful on the one hand, and the industrious and frugal on the other, and it is equally wrong, and even more so, to pass laws to create an inequality by extracting means from the hands of the many, and concentrating them in the hands of the few. And yet, in numerous ways besides that of granting acts of incorporation with exclusive privileges, this thing has been frequently done. In a free government, where rights are equal, and where laws ought to be equal, such legislation should not be tolerated.

The question of regulating the currency has been one of an exciting character. Out of the agitation of this question, much warm and bitter strife has sprung up among the people of the State. Some deny the constitutional power of the State to regulate the currency; some admit the evil of a spurious currency and the constitutional power to regulate it, but deny the expediency of applying a remedy; and others, again, assert the existence of the evil, claim the constitutional power and insist upon applying the most vigorous remedies.

There cannot be much difficulty about the constitutional power. The regulation of the currency is clearly a subject of legislation. If so, it must be in one of the three bodies in which all such powers are to be found under our

system of government; that is, in the people, the States, or the United States, unless the exercise of it has been prohibited to the States.

In our State, the powers reserved to the people are expressed in our bill of rights. In that, the power to regulate the currency is not reserved. The power then, is not in the people. The powers granted to the United States are expressed in the constitution of that government. But in the constitution of that government, no power is granted to regulate the currency. The power, then is not in the United States. It is no where prohibited to the States. If, then, the power is not reserved by the people, nor granted by the States to the United States, nor prohibited to the States, then the power to regulate the currency, here, must be in the State itself, and can be exercised by our Legislature.

So much for the constitutionality of this power. The expediency of its exercise is another matter, and depends upon the people. As the power exists, if a clearly ascertained majority of the people are in favor of laws to regulate the currency, then the Legislature should not hesitate to pass laws for that purpose. I believe it is conceded by all that the clearly ascertained will of the people, when not unconstitutional, should always be enacted into a law. But if a majority of the people are against the passage of laws to regulate the currency, then, although the country may suffer much for the want of them, the Legislature should pass no laws upon the subject. I believe, further, and it is generally conceded, that no law should be passed, upon any subject, against the will of a majority of the people.

I was in favor of limiting the issues of our bank, when that institution was chartered, to notes of a denomination not less than ten dollars. On this subject my opinion has undergone no change, except to be strengthened in the propriety of the limitation; yet I have always considered that we did ourselves great injustice in denying to our own bank a privilege which we permitted the banks of all

our sister States to exercise. To permit the circulation of irredeemable paper within the limits of our State, seems to me to open a door for the practice of immense frauds upon the people of the State, without any reasonable expectation of good from the risks we encounter.

But I am compelled to recommend no action upon these subjects. I do not believe they have been sufficiently investigated by the people. In the late canvass, so far as I was concerned, no issue was made upon them. They were urged upon me in public discussions, and I advised that they should be left for future investigation. I believe that the public will is not settled in their favor, and with me that is sufficient against recommending any action on the subject. But, of course you understand better the will of your respective constituents than it is possible for me to do, and that will, you no doubt will attempt to execute. I shall interpose no obstacle to the execution of that will.

But of equal importance, and still greater magnitude, is another question which has sprung out of the attempts to pass laws to regulate the currency.—This question is, whether a law passed by a clear majority of both branches of our legislature, and operating upon every man, and every part of the community alike, shall be nullified by any part of the community which may deem that law prejudicial to their interests.

Threats have been made to disregard, set at defiance and trample under foot, any law which the legislature may pass to regulate the currency. If any portion of the people have a right to nullify a law upon the subject of the currency, then they have an equal right to nullify any other law. If any one neighborhood has the right to set at defiance that law which it deems odious, then every other neighborhood has the same right. If every neighborhood has the right to set at defiance the particular law which it deems odious, then we had as well abandon our government, and all law and order, and submit ourselves to anarchy and misrule.

But to our credit greatly, the spirit of disobedience and resistance to established law, has rarely manifested itself, to any extent in our State. It is to be regretted that this spirit is growing rather too common in some other places; but, in our State the great majority of the people are sober and discreet, mild and prudent, industrious and frugal, honest and virtuous, and, above all, the lovers of good order and peace in society. With such a people, whatever may be the threats of a few, it seems that a faithful execution of the laws must meet with an irresistible support. And, as far as possible, the laws will be faithfully executed.

Bad laws should not be passed. No law should be passed which will not operate upon every man and every part of the community alike. Every bad law in force should be promptly repealed. No reason should be allowed to exist for disobeying or resisting the law. But all the laws in force should be sacredly observed and faithfully executed, until repealed by the legislature or decided by the proper tribunal to be unconstitutional. Man does not show himself fully capable of self-government until he can submit to the restraints imposed by the laws enacted by a majority of his fellow-citizens. Till man can do this, the community in which he lives is in constant danger of riots and mobs, and all the evils, outrages and atrocities which go hand in hand with violent breaches of the law. It is better in all cases, as long as a law is continued in existence and not declared to be unconstitutional, to let it take its usual course. Evils that are endless and ruinous must grow out of any other course, and the seal of public condemnation should be stamped, in the outset, upon every attempt, and every threat, made by any part of the community, to disobey, resist, or trample under foot, the laws of the land, let that attempt or threat emanate from whatever source it may.

The resistance of a State law is nullification of the worst character. It is the nullification of a law, where we have a tribunal to decide upon its constitutionality,

and without an appeal to that tribunal; or it is the nullification of a law after it has been decided to be constitutional. It is an open resistance to all social order, for which there can be no justifications and it is the spirit of mobocracy in its blackest character—a spirit that should not be countenanced.

The subject of internal improvement is one of growing interest among our questions of State policy. On this subject a great diversity of opinion has heretofore existed; but experiments, comparatively recent, made by some of our sister States, have gone far to settle this diversity of opinion, and to unite the public mind upon this important question. A few years back, and both at home and abroad, our State was declared to be benighted—groping in the dark—half a century behind her sister States in public spirit, and public improvement; but time has proven our course to have been the wiser one; and that some of our sister States were running far in advance of their age, population and means, in the construction of internal improvements. We were right. They were wrong. If we can, we should keep right. On this subject, in the middle course, there may be safety. We should pursue steadily a system of internal improvement, but we should not involve ourselves in debt by an extravagant system.

But I will not say that a people should undertake no improvement, when they have not the means to pay. When labor is cheap, and the necessity of an improvement great, and the advantages to result to the people certainly equal to the interest on the cost of the improvement and all the expenses of repairing, and the wealth, population and business of the country increasing, then a people may be justified in borrowing. But in most cases there is so much uncertainty about the existence of all, or many of these circumstances, and men are so apt to fail in such calculations, some from interested motives, and others from want of knowledge, that borrowing becomes a hazardous business, and more frequently proves ruinous than beneficial. It is, therefore, generally the

safest course for a government not to borrow, and I would generally advise this course; and would deviate from it with great reluctance and caution.

But the question of borrowing is not important to us now. We have a fund for internal improvements, arising from the sale of the five hundred thousand acres of public lands; and the proper disposition of this fund is the subject for our consideration. If rightly appropriated, and faithfully applied, the State can be much improved, and the people greatly benefitted by the disposition of this fund.

In connection with this subject there are several matters which should be considered. In the first place too much should not be expended in contests about the disposition of the fund. Public spirit should over-ride sectional feelings in selecting the objects to be improved, and in making the appropriations for that purpose.

In the next place, a proper reference should be had to the amount of population that can be safely withdrawn from the ordinary pursuits of life to the construction of internal improvements, without interfering to an injurious extent with the other pursuits of life. We should not so affect the farming interests as materially to shorten the crops and render the price of provisions extravagant. And again: we should make the best use of our means. We should not undertake too large an amount of work at any one time. By offering too much work—too many contracts at the same time—we shall destroy all competition between bidders, greatly enhance the cost of our improvements, and thus waste the public fund. The State should give fair, but not extravagant prices. She should pay well, and require good work and enough of it in return.

It has not been unusual to adopt a system of improvements covering a whole State, and to commence them all once, regardless of the capacity of the people to perform the labor and to carry on their usual avocations, as well as of the ability of the State to pay. Such a course is generally ruinous. In such a system, the price of labor

runs up extravagantly high, the public money and the public credit soon exhausted, and no work is completed so soon as to be rendering a profit to the State or benefit to the people. Some of our sister States commenced on this plan, found the experiment ruinous, and then abandoned it, but too late to repair the injury and bring back the money misapplied. Works in all stages of advancement, except that near completion, lie rotting, mouldering and useless, bringing no revenue to the State, and rendering no profit to the people. We should learn wisdom from the experiments of others, and avoid their errors.

We should go to work upon a different plan. We should count the cost of our improvement, and its value to the country when completed, and compare these with the means at our command to make it. If it will not pay, then we should not undertake it; but if we find that it will be profitable when completed, and we have the means to complete it, then we should go to work. In selecting the object to be improved, if a water course for example, we should have regard to the extent of country through which it runs, the amount of population interested, and the value of the commerce which it affords, compared with the expense of the improvement. If we have means at command to complete but one improvement, we should commence but one; but if we have the means to complete two or more, then the propriety of commencing more at the same time could be considered; but too many improvements should not be undertaken at any one time.

The State, and the people in every section of the country will be benefitted by useful improvements. The State will be benefitted by an increase in the population and taxes, and in the wealth of the people; the people near the improvement will be benefitted by cheaper transportation, cheaper merchandise, and higher prices for produce. The people remote from the improvement will be benefitted by lighter taxes. As the improvements increase the wealth, the population and the value of property, so in the same proportion, they increase the taxes within the range of their

influence. Out of that range the taxes are in the same proportion diminished. Thus all are benefitted.

But of all the subjects, that of education is the most important. That nature makes a difference in men, mentally as well as physically, there can be no rational doubt; but that the chief difference between the majority of men, is the effect of education in the one, and of the want of it in the other, can admit of just as little rational doubt. And between the educated man and the uneducated, there is as much difference generally, as between the cultivated and the uncultivated. The poorer field, when well cultivated, yields the best of fruits in great abundance, but the richest soil that nature ever formed, yields but sorry fruit, and that but scantily when left uncultivated. It oftener happens in the richest soil, when left uncultivated, that the rankest weeds usurp the place of any fruit.

In our State, the importance of this subject has been overlooked. It should be in advance of all other subjects of legislation, and entitled to first notice from every legislative body. An increased diffusion of knowledge is felt in every ramification of society. It is felt in the workshop, in the corn-fields, on our roads, canal and navigable rivers, in our social intercourse, in legislation, in morals, politic and religion. Its influence in facilitating labor, in alleviating the distresses of mankind, in promoting civilization, in improving the condition of the world, is incalculable.

One reason why the importance of this subject has been so much overlooked may be this: The educated have never suffered for the want of cultivation, and therefore, do not properly appreciate the disadvantages resulting from it. The uneducated have never felt the benefits resulting from cultivation, and therefore, do not properly appreciate the advantages of it. The educated man believes in the disadvantages to a certain extent, and the uneducated man believes in the advantages to a certain extent, but each falls immeasurably short in his appreciation of the advantages and disadvantages. In proof of this we have only to look at what has been done, to visit the different

portions of the State, and to examine the condition of the rising generation.

Another reason for not acting more speedily and more efficiently on so important a subject, is perhaps to be found in the length of time that must elapse before any beneficial results can flow from legislative efforts to increase the extension of knowledge. But man should look ahead, and provide not only for his own happiness but for that of his children also. The views of the liberal and enlightened statesman, should not be limited to his own tenure of life, but should extend to future times and later ages.

The evil is the want of a general diffusion of knowledge. It is true that we have not been wholly idle. Recent as is our origin, we have our academies, colleges and universities; and some of them are endowed. But these do not furnish a full remedy for the evil. All, or nearly all of those educated at these institutions, are the children of the rich, or of the comparatively rich, and who would be educated about as well by private exertions, if the public rendered no aid whatever. These institutions do not even furnish us teachers for our common schools. It is probably not unfair to presume, that nineteen out of twenty of the young men educated at our highest schools, are intended for the profession of law, or of medicine or engineering, and that the twentieth does not become a teacher for our common schools. He is more frequently the son of wealthy parents, from whom he expects an inheritance to carry him through life, without a profession or trade.

The remedy then, is not in our academies, colleges and universities as at present regulated and managed. The number educated in these institutions is but a very small fraction of the great mass of the children of the country; besides, they are intended to give finished educations to a few while numbers are left unnoticed by the government, without knowledge enough to do a common sum in arithmetic, or to read their bibles or to write their names. And yet ours is claimed to be a government of equal rights and equal laws.

There is no remedy, unless the Legislature will provide one. This can be done to some extent. A system should be adopted of preparing teachers for the common schools. One can be devised that will be cheap, practicable and efficient. Many advantages can be obtained by such a system. It will furnish every school with teachers regularly, with teachers properly qualified, and with teachers instructing upon the same plan and under the same system of rules; so that when children have once learned the government of one school, they will be prepared to commence any new school without learning a new system. In these schools every man can have a chance—there will be an approach to equality, the rich and the poor can all meet and reap the benefits.

But I must not pass another matter connected with this important subject.—I allude to an inequality that exists in the disposition of public school funds.—Here, again we act as in many other matters, upon the wrong principle, and elevate the rich still higher, and depress the poor still lower. Public school funds belong not to the rich, nor to the poor, nor to any particular class, but to the whole people; and they should be so applied, if possible, as to render equal benefits to all giving the rich no advantages over the poor.

Our common school funds are so applied. Every child whether of rich or poor parentage can enter the common schools. But while the rich can enjoy all the benefits of the funds for the common schools as well as the poor, the poor are unable to reap any benefits from the funds appropriated to our higher school. That fund is so applied as virtually to exclude all the poorer classes from the use of it, and to admit none but the wealthy and comparatively wealthy to enjoy its benefits. Such funds are always concentrated at a point, where in consequence of the expense of boarding and the expense of clothing, even if all tuition fees are paid, not one out of a thousand of the poor children of the country can be educated. They are totally excluded from the use of such funds; and such funds are al-

most as much applied for the exclusive benefit of the rich, as if in the application it was so expressly provided by law.

It will not do to answer, that the people are compensated for this exclusion, by the benefits resulting to the community at large, from the education of a few.

True we find a highly educated man, now and then a patriot, a philanthropist, a public benefactor, but in most cases he is a man from the humbler walks of life who has not forgotten his origin. But it too often happens, where the rich have been educated by the aid of the public funds, that instead of becoming public benefactors, they are only made sharper, and keener, and better capable of preying upon the poor; and the poor by being deprived of the benefits of such funds, are kept in ignorance and darkness, and below their natural grade; and that ignorance, darkness and depression makes them more readily and more easily a prey to the crafty. Their own money is used to teach other men to cheat them.

But I am far from opposing the higher schools. They should receive the proper encouragement and aid. But those interested in the higher schools and the education of the wealthier classes with the aid of the public funds, should take a proper view of the importance of the common schools, and of the necessity of educating the poorer classes with the aid of the public funds, if not to an equal extent, at least in a more liberal manner. As an offset for the funds set apart to make professional men out of the wealthier classes, the Legislature should set apart a fund to make teachers for the common schools out of the poorer classes. We shall seldom get any but the poor to teach our common schools.

There are various subjects on which my opinions have been expressed in detail in my printed addresses to the people of the State. In the public discussions during the canvas last summer also, when I had the pleasure of seeing many of the people in their own counties, and of talking to them in person, my opinions were still more fully expressed. The result of the contest persuades me, that

my opinions were generally approved; and so far as they seemed to be approved, with the aid of the Legislature, I shall endeavor to carry them out.—And in all your efforts to advance the public interests, it will give me pleasure to co-operate with you, whenever it is not impossible to do so. In discharging my duties, I shall make the constitution the law, and the public will my guide.

In your presence, I took an oath to support the constitution of the United States, and of this State, and to demean myself faithfully in office. I hope that I fully appreciate the obligations of that oath, and that I fully understand the importance of the duties which I owe to my country; and in conclusion, I pledge myself again, with the aid of HIM who rules our destinities, properly to observe the one, and faithfully to discharge the other.

JOHN C. EDWARDS.

FIRST BIENNIAL ADDRESS

NOVEMBER 16, 1846

From the Journal of the Senate, pp. 25-35

To the Senate and House of Representatives:

Gentlemen—Your body—the Fourteenth General Assembly elected since the formation of our State Government—meets again to consult about the interests of the people.

Our Constitution provides “that the Governor shall, from time to time, give to the General Assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient.” In discharging my duties under this provision, I shall notice some matters very briefly, which it will be necessary to explain more in detail as your session progresses.

Since the last meeting of the Legislature, the State Government has moved on in its usual peaceable and quiet course. The laws have been generally respected, and but little resistance has been anywhere made to their faithful execution. Every proper effort has been made to bring offenders to justice; and but few have thus far eluded the vigilance of our officers, or escaped the merited penalties of the law. The pecuniary engagements of the State, except some delay with her own officers, have been every where promptly met and discharged.

An action was commenced during the last year, against one of the citizens of the City of Jefferson, to recover a lot covered by the New Madrid or DeLile claim. Several efforts were made to employ counsel to defend the suit, as required by an act of the Legislature, passed in 1841, but the defence was not undertaken—the fee being deemed inadequate to the responsibility to be assumed in undertaking the case.

The suit now stands continued; and, as it involves the title to much property which has been sold by the State, it may require further attention from the Legislature.

The Northern Boundary case still remains unsettled. Preston Mulnix, for whose defence against the charge of exercising the duties of his office of Sheriff over the disputed territory, an appropriation was made by the last Legislature, was pardoned by the Governor of Iowa, before going to trial. The agreed case, provided for by another act of the same session, between the State of Missouri and the State of Iowa, as then supposed, about to be admitted into the Union, was never made up; the State of Iowa refusing to accept the conditions upon which Congress agreed to admit her into the Union, and thus failing to qualify herself to become a party to the suit. At the last session, Congress provided for taking the case to the Supreme Court of the United States; but since then, Iowa has adopted another Constitution, and before the boundary question can be settled, will probably be admitted into the Union. When Iowa is admitted into the Union, the United States may no longer be a party to the case, and her admission may thus interfere with the settlement of the question again. If so, further legislation seems to be required on this subject. An agreed case between the two States, as provided by the last Legislature, may be the proper measure.

In connection with the foregoing subject, it may be proper to observe, that, although some excitement has prevailed among the citizens along the border, yet the most friendly feelings seem to have existed between the authorities of the State and Territory, and a most anxious desire to have the question of boundary amicably and speedily settled.

The last Legislature passed a law distributing the five hundred thousand acres of public lands granted the State for purposes of internal improvement among the several counties, share and share alike. I had serious objections to this bill, and found much difficulty in giving it my sanction; but looking at the measure as one only less expedient

than another which might have been adopted on the same subject; and being satisfied that a large majority of both branches of the Legislature were in favor of the bill, and not being satisfied that the veto power should be extended to such a case, although it amounted to little more than the mere delay of a measure, a bare majority being sufficient to pass any measure over the veto, it was finally approved.

Since the adjournment of the Legislature, I have been induced to examine this subject more attentively; and, although I would prefer a different disposition of the fund, and would now recommend a repeal of the distribution law, yet I am less dissatisfied with the measure than I was at the time of its adoption. It carries out fully the intention of the grant, the lands being both granted and distributed for purposes of internal improvements. The roads, bridges, causeways, levees, embankments and other works which may be constructed by the counties, may benefit more people, and may give additional value to more public lands, and more of that value, and may bring more public lands into market, than the application of the five hundred thousand acres to any one, two or three of our rivers, where nature has already done much for the country, and where the best of public lands have already been sold. It is not uncommon, however, for that country which has been favored with a good navigable stream, to think itself entitled to the public funds to improve that stream, while the country which is destitute of any navigation is denied even the means of bridging and improving the common roads.

It has been urged that the counties would not make the best application of this fund. If it were certain that they would do so, then that should be a conclusive argument in favor of the distribution law; because it is not certain the State will ever make a proper application of it. Public funds are seldom properly applied, either by States, or the United States. They are funds to be wasted. This has been proven by almost all experience.

If the Legislature should repeal the distribution law, then the proceeds of the lands could be applied to the im-

provement of the Osage, Grand, White, and the Current rivers, and the southern swamps, in such a manner as to be of much service to the several sections of country in which the money is applied. No extensive improvements, however, of a permanent character could be made with so small a sum divided between so many objects; yet such improvements as are best adapted to the condition of the country, and such as would answer our purposes till an increase of wealth and population justified a larger expenditure, and better improvements might be made with the proceeds of the distributed lands, if properly expended. The improvement of these rivers would be of great service to the people interested in diminishing the cost and danger of sending their products to market, and in bringing back the merchandise received in exchange. It would be of great service also to the State by enhancing the value of the property within the influence of the improved rivers, and thus increasing the revenues. One of the richest, most interesting, and best located parts of the State—the southeastern corner embracing several counties—might be greatly improved by some small appropriations judiciously applied in making good roads and for other purposes. The plan of asking alternate sections to enable the State to reclaim the submerged part of that country, is probably the best which has been suggested for that purpose, and the Legislature would do well to urge the matter upon the attention of Congress in the shape of a memorial. South Grand river, lying beyond the limits of our territory, is an object which cannot be improved by the State, and yet the improvement of that river is a matter of the greatest importance to several of the southwestern counties. The propriety of bringing this subject to the attention of Congress is also recommended.

The action of the General Government in reference to our large navigable rivers is found to be of the most uncertain character. If one Congress makes an appropriation, several others may fail, and by the time the work of improvement is fairly in operation, all hands are stopped,

the boats are laid up to rot, and the benefits of the improvements made are mainly lost for the want of continued attention. The obstructions in the Missouri and Mississippi are of two kinds, the bars and snags. The first are troublesome only in low water; and in the Missouri, and perhaps in the Mississippi, too, might be improved by dredging. In the Missouri, the bars are generally short and are formed of light, loose sand, which gives way easily before a rapid current. The time which each steamboat, loaded a little below the depth of water, spends in dragging through one of these bars, would be sufficient for a boat properly constructed to open a channel, which in most cases would continue to improve until the next rise in the river. No work of this kind would be permanent on the Missouri; yet there is probably no other river upon which such a work would be so easily performed and at so little expense, compared to the value. If we reflect that hundreds of boats are stopped for hours upon the same bar, and that all are heavily laden with rich freights and many passengers, and detained at heavy costs; and that one dredge, at half the expense of an ordinary boat, could remove the obstruction and let the steamers pass without loss, expense, injury or detention, then we can form some estimate of the value of such a mode of improvement. The next obstructions are the snags, made of the green trees, with heavy roots, which fall from the washed banks, and roll to the deep channel, and there settle and fasten in the mud and sand. The number of these snags is constantly increasing. A trip along the river will show thousands of trees which a heavy freeze in the winter and a sudden thaw in the spring, or the annual flood in the summer, will add to the snags which already impede the navigation; so that if the river was cleared of snags tomorrow, it would be full again by the last of July next. These one thousand trees could be removed from the banks of the river, roots and all, for one thousand dollars, if removed before they fall into the river; but if they are suffered to fall and fasten in the deep channel, the United States would not remove them for less than twenty-five or

fifty thousand dollars; and the State could not for less than five or ten thousand. Such is the importance and necessity of attending to this matter in time. Only that timber which is likely soon to fall should be removed. Nor should the timber be deadened near the banks. The green roots protect the banks. Clearing farms to the water's edge is ruinous to the farms and to the river. The farms are washed off, the river is widened, the water is dissipated, the bars are multiplied, and the channel filled up. Some governments protect their lands and people by the construction of dikes and levees. Ours might protect the river, and the bottom lands, and the people to some extent, by saving the timber along the margin of the river. These matters are respectfully recommended to the consideration of the Legislature.

It is believed by some men informed on the subject, that for five or ten thousand dollars, the snags in the Missouri river to the northwestern corner of the State, could be removed from the channel so as to let boats pass free of obstructions of that character at all stages of water. From the best information in my possession, I am disposed to concur in the above opinion, and would at least recommend the matter to the consideration of the Legislature. Several plans for removing the snags have been suggested by citizens of the State, some of which may be communicated to the Legislature if perfected and presented during the session. An ordinary snag-boat could be constructed, or perhaps one could be procured from the General Government, if that government has one of a draught sufficiently light for the purpose. Such a boat should be kept at all times upon the river, to operate upon dangerous and difficult points as they are discovered. The increased speed of the vessels, the advantage of being able to run at night, the additional safety for boats, cargo and passengers, and diminution of freights, would well justify such an expenditure.

Of the seventy-five thousand dollar loan, authorized by an act of the last Legislature, to meet an estimated de-

iciency in the revenue for the last two years, thirty-five thousand dollars were procured—twenty from the Branch of the Bank at Jackson and fifteen from the Branch at Palmyra, the mother bank and other branches refusing to loan any sum—being forty thousand dollars less than the act authorized the Executive to borrow. The bonds for these sums have been renewed, and other renewals will be necessary unless means are provided to pay them off.

The revenue from taxes for the last two years amounted to \$330,753 60. The ordinary expenses of the State government for the same period—including the expense of holding the State convention, about \$15,000—amounted to \$247,274 78. This shows an ordinary revenue above ordinary expenses of \$83,478 82. The bonds and dividends from the bank for the same period were \$29,817 27; and the interest upon the State bonds outstanding, not including \$35,000 due the Jackson and Palmyra branches of the bank, amounted to \$142,000 for the same period. This makes an excess of interest on State bonds over the income from the bank to the State of \$113,182 73. The ordinary receipts and expenditures for the next two years, and the income from the bank and the interest upon the State bonds for the same period, may not vary far from the statements for the last two years. If not, the excess of ordinary revenue, added to the income from the bank, will fail to meet the interest upon the State bonds for the next two years by \$28,703 91. To meet this sum it will be necessary to provide for a permanent increase of the revenue. In addition to this sum, the bank claims from the State \$95,000, the most of which is interest paid upon the bonds sold to raise capital for the bank; and the branches at Jackson and Palmyra hold the bonds of the State for \$35,000, making in all a debt of \$135,000, for the payment of which provision should be made.

Only three bonds of one thousand dollars each were sold under the act of the last Legislature, authorizing a sale of bonds bearing a rate of interest not exceeding eight per cent., for the redemption of the ten per cent. bonds,

redeemable in 1846 and after. With the proceeds of these bonds, six five hundred dollar ten per cent. bonds were redeemed. No other bonds were sold because no offers were made to take them, which were then deemed reasonable; and because it was believed at that time that the new constitution would be adopted, and that it would be advisable to invest a portion of the school fund created under that instrument, in the redemption of these State bonds. The act authorising the sale of the bonds was also deemed defective in not providing a place for the redemption as well as for the payment of the bonds. Since the rejection of the new constitution, however, the whole amount of the bonds issued under the act of the last Legislature, has been offered for sale as eight per cents at par; and, judging from the correspondence with the bond holders, the probability is, that the tens now redeemable will be exchanged for eights, except a small amount which should be at once redeemed.

The part which the State has taken in the war now being waged between the government of the United States and that of Mexico, and the action which it may be necessary for the Legislature to take on matters connected with that subject, will form the material for a separate message at an early stage of the session. It may be proper to add here, that Missouri has shown herself ready and willing, and prompt to meet every requisition for troops, having sent one of the first volunteer regiments to Texas, two regiments and two extra battalions to Santa Fe, and having raised a third regiment, one of the largest and best which has been organized during the war, also for the Santa Fe expedition; the regiment to Texas being footmen; the two first for Santa Fe, horsemen; one of the extra battalions, foot, and the other horse; and the last regiment for Santa Fe, footmen. But nine companies of the last regiment reached Fort Leavenworth, the place of rendezvous, when they were ordered by the War Department to be paid off and honorably discharged, with the assurance that they would be called for if more troops were needed in that direction, and they

desired the service. They were discharged, because the commanding General informed the War Department, from Bent's Fort, on the first of August last, that the forces then under his command were sufficient to take Santa Fe, and because the urgency of the service did not seem to justify the trouble, expense, and hazard of marching troops across the plains at so late a season of the year.

The present war has attracted the attention of many persons to the character of our militia system. This is found to be utterly useless. The system is a subject of ridicule and burlesque, and is calculated to bring—what is intended to be a serious preparation for the defence of our country—every effort to discipline the militia of the State, into utter contempt. Our militia officers, many of whom have exerted themselves to introduce some sort of organization and discipline, and who have had cause to examine the whole subject thoroughly, are well satisfied of the facts above stated, and for the honor and interest of their country, have regretted the existence of a system so defective.

It is idle and useless, in time of peace, to force men to perform military duty who do so against their will. Such men prefer a farce, while on parade and under duty, to any serious preparation to defend their country, and being generally in a majority on such occasions, they not only refuse to learn themselves, but prevent even very competent officers from learning others—they not only refuse to be subjected to the order and discipline of the soldier, but they teach a disobedience and disregard of all order and discipline. And, although no good, but much harm, is the result of forcing such men to perform military duty, yet the system imposes a heavy tax upon that portion of the community capable of bearing arms. Each man subject to duty under our system is required to muster four times annually. Estimating the value of his labor at but fifty cents per day, this loss of time is equal to a tax of two dollars per year upon every man capable of bearing arms; and where the service is rendered reluctantly, it amounts to a clear loss, both to himself and his country.

It is better to require military duty of such men only as discharge it voluntarily and as a matter of choice. The service of the balance, whenever they prefer it, should be commuted for a small tax. Let each man who prefers it, join a volunteer company, and serve regularly in that for a given number of years, and then be discharged. And let each man, who prefers the other course, pay his small tax annually, and get a full exemption from military service in time of peace. Let the money thus collected be applied to the support, encouragement, and discipline of the volunteer companies. Let it be expended in the purchase of colors, musical instruments, and particularly in the instruction of musicians, the purchase of books of discipline, and the laws, rules and regulations of the army, for each officer, and in the employment of a few competent drill officers, and for other purposes, such as time and experience may prove necessary.—It is believed that such a system would be much less expensive than the present one, and much more efficient and useful.

We are entitled annually to a quota of arms from the United States. Very few of the arms received are fit for efficient service. The common gun-smiths of our country, with very inferior preparations and machinery, make an article much more efficient and serviceable than the guns received from the United States armories, where they should have the best mechanics and the very best machinery for making them. Prepared as our armories ought to be with good machinery, good materials and good mechanics, an inferior gun should never be distributed. This subject is important and merits attention. To send our country men to war with defective arms, is to send them to the slaughter pen to be butchered.

In the two years which have passed since the meeting of the last Legislature, a reasonable share of the blessings of a kind Providence has been bestowed on our country. In the first, the crops were generally good, in the latter they have been more varied, in some places being superabundant, in others abundant, and in others short, as the rains hap-

pened to be more or less plentiful, or the drought great; but enough has been made to supply our wants, and much to spare.

We have a rich soil and a climate adapted to the growth of many productions, and with proper culture and favorable seasons, the husbandmen reap abundant harvests. Yet it is a fact, which it is needless to attempt to disguise, that, with our rich soil and genial climate, and all our industry, care and economy, we are not a prosperous and thriving people—the great mass of us are not growing in wealth, nor accumulating many of the comforts or even of the necessities of life.

The causes of this want of prosperity are various. The mass of us have not yet learned enough. For want of more skill and science, and better implements of husbandry, we do not cultivate the soil to the best advantage. The people of some other countries make more, and better articles, from inferior soils, than we produce from our rich lands. We sell our productions with the rudest preparations for market, and of course at the lowest prices, while others prepare them for consumption and resell to us, and of course at the highest prices. We make too much of the same article, or of the same class of articles, and thus reduce the price by glutting the market and destroying the demand for our products; while we make none of another article, or class of articles equally necessary to supply our wants, and thus we create a market and a demand for those articles and enhance the price. In this way, our system reduces the price of all that we make to sell, and enhances the price of all that we have to buy. Almost our entire population are engaged in agriculture, and *partly* in consequence of this, our corn, wheat, hemp and tobacco, bring us but little wealth; and our beef and pork, horses and mules, pay but little more than the bare expense of raising them. The tariff of our own and other countries, cripples our foreign trade in some articles, and destroys it in the others. What is intended to be our home market—our domestic manufactories—proves to be no market at all to us, partly

because it is not at home. It costs about as much to send our products to Massachusetts as it does to send them to Europe; and, if it costs us nothing, the eastern manufactories would always be mainly supplied by their neighbors before our products could reach them. We not only make less for want of more skill, but many of us as often sell for less for want of more information; and the shrewd speculator not unfrequently makes more in a few weeks, by dealing in our products, than the producer makes by the whole year's hard toil. Another disadvantage under which we labor, is, that we sell almost every thing we produce at its first and very lowest price, and before any of the profits of trade have been attached to it; and that everything which we do not produce, we buy at its last and very highest price, and after all the profits of trade have been attached to it. Another and a greater evil is, that there are many valuable articles, and necessary ones, to supply the wants of life, which we do not pretend to produce at all, or else produce but partially. Of this class are the various manufactured articles. We do not avail ourselves of any of the advantages of the improved machinery of the age—of the labor-saving machines as they are aptly called—of the money making machines as they might be more appropriately called. We depend on physical labor, and reject the superior advantages of mental labor—we depend on brute force, and reject the advantages of skill and science.

These disadvantages, under which the mass of our population labors, might be remedied to a great extent: 1st, by encouraging the common school; 2d, by increasing the variety of our pursuits; 3d, by establishing manufactories; 4th, by improving our roads and navigable streams. The common school would prepare our population to apply their labor to the best advantage, to make and use the improved machinery of the age, and to avail themselves of the benefits of skill and science in all their operations. An increase in the variety of our pursuits, would diminish the amount of those articles produced in superabundance, and increase the amount of those produced only in limited

quantities, or not produced at all; and would thus enhance the price of those which had been produced in superabundance, and diminish the price of those which had not been produced before, or else not in quantities sufficient to supply the wants and demands of the country; saving to the country the loss of exporting the one and the cost of importing the other, and at the same time supplying a greater number of the wants and demands of our population, and giving to a greater number of persons profitable employment. In no other mode can the wealth and prosperity of our country be so much advanced as by the establishment of manufactories. They would bring into use and profitably employ a large portion of our population now growing up in idleness, ignorance, and vice, and give them steady and industrious habits, and make them useful and meritorious citizens. They can be established on principles calculated to elevate the mind and morals, as much as idleness and vice are calculated to degrade them. They will further improve our condition by enabling one person, with the aid of a few hundred dollars invested in the improved machinery, to perform of hundreds. The wild Indian, instead of spinning with the top, would do well to adopt the common wheel, and the civilized Missourian, instead of spinning with the common wheel, would do better to adopt the improved machinery of the factories. The difference between our wheel and the top, is less than that between the mule and wheel. We sell our wool at ten to thirty cents per pound. With a mite of labor expended in producing the wool, it is spun and wove into cloth, sent back and sold to us again, perhaps at five or ten dollars per pound. Well conducted manufactories must make a superior race of people; or else it is a superior race of people which makes the manufactories. If the latter be true, the Legislature should foster the common school. It would be unfavorable to us to compare the top and the wheel, the Indian and the Missourian, and then to extend the comparison between the wheel and the mule, the Missourian and the eastern manufacturer. By improving our roads and navigable rivers, we should

diminish the expense and increase the facilities of sending our products to market, and of bringing back the merchandise received in exchange. We should also enhance the value of property, and invite an accession of population, and thus increase the wealth of the country and the revenues of the government.

The best mode of encouraging the common school is to establish an institution for the preparation of teachers. This can be done on a plan that will be cheap, effective certain and very useful, not only to the common school, but to every department and branch of society. If there should be any disposition on the part of the Legislature to act upon this subject, the details of a plan would be cheerfully prepared and submitted.

To increase the variety of employments in our country, it is only necessary to enlighten the people to enable them properly to consult their own interests. This cannot be done in any better mode than by fostering the common school, as the accomplishment of the object depends more upon the action of an enlightened people in their individual capacity, than upon any direct action of the Legislature upon the subject.

The establishment of manufactories is attended with it difficulties.—To carry them on very successfully, large investments and a superior population are required. We are not without capital, but the high rate of interest, and the many supposed profitable investments for money which have heretofore existed, has prevented the appropriation of funds to the erection of manufacturing establishments. If the rate of interests were lower, capital would probably be invested in manufactories to a considerable extent. The tariff also retards the establishment of manufactories in our State whether it be a tariff for protection or a tariff for revenue; for all tariffs are protections to a greater or less extent; but a high tariff tends more to prevent the establishment of manufactories in our State, than a low one, being a greater protection to the eastern manufacturer. The eastern manufacturer contends that he cannot succeed with-

out protection against his foreign competitor. Our interior position, and our remoteness from the principal ports of entry, gives the manufacturer in this country a protection which no tariff and no want of a tariff can materially affect. If, then, the eastern manufacturer was but lightly protected, or not protected at all, he would find it profitable to remove his capital and to invest it in manufactories in the west, where nature would always protect him against the foreign competitor. No country can manufacture cheaper than our State. We have all the necessary ingredients at the lowest prices. We have the real estate, the water power, the ore to make the iron to make the machinery, the manual labor, the provisions to support the hands, the raw material—the flax, hemp, and wool of our own production, and the cotton in exchange for our wheat, corn and tobacco, hogs, horses, cattle and mules—and these ingredients we have, taken together, cheaper than any other country on earth. Even our manual labor is at the lowest price. But, as before observed, to manufacture *very* successfully, a superior population is required. This we can soon have by fostering the common school, and developing the genius and mechanical ingenuity of the youths of our country.

The best mode of facilitating the construction of public works—McAdamized roads, rail-roads and canals, if the rail-road has not superseded the canal—and the permanent improvement of our navigable streams, is to prepare the people to appreciate the uses and advantages of such works; and this again can be done in no other mode so successfully, as by sending the school-master into every village and hamlet in the land, and by giving every proper encouragement to the education of the great mass. The common school will accomplish everything, if properly encouraged.

The subject of equalizing representation, will claim the attention of the Legislature; but, no doubt, much difficulty will be found in agreeing upon any amendment of the old Constitution for this purpose. Some of the large counties seem to have opposed the provision of the new Constitution

on this subject, because it gave *them* less, and the small counties more representation than they were entitled to; and many of the small counties seem to have opposed it, because it gave *them* less, and the large counties more representation than they were entitled to. This diversity of opinion will of course be difficult to reconcile in the Legislature. There are other amendments to the old Constitution which have heretofore met the favor of the people; but referring to the vote upon the new Constitution, it would be difficult to decide what alteration the popular voice would now demand. Each section of country which found an objectionable part, seems to have opposed the whole Constitution on that ground, as if one could be proposed without some feature objectionable to almost every voter.

An evil of great magnitude exists in our country, to cure which a suitable remedy has been looked for in vain. The evil alluded to is the practice of endorsing and becoming security in private transactions. It involves the safest and most prudent men in the country, and often brings utter ruin upon the most meritorious families, and those least deserving such misfortune. This evil is sorely felt in the neighborhood of the Bank and its branches, where lending, borrowing and endorsing, are more extensively practiced than in other parts of the State. It is true that much good may often result from the practice, as well as evil; but the amount of evil seems greatly to preponderate, and if so, there ought to be a remedy. If a man is about to sell his real estate for a fair price, and to receive the full value in hard money paid down, the law still requires the signature of his wife before she can be divested of her interest in the estate. The wisdom of this law has seldom been doubted. It might be well, then, before a man, in a convivial moment, or when overcome by the persuasions of an imprudent friend, or deceived by the false representations of a bad man, puts his whole estate, the earnings of a long and laborious life and of much toil and care, in jeopardy of the law, to require him at least to get the consent and signature of his wife. If she is to be reduced to poverty,

it may be as well to let her know it in advance, and to get her consent to it. This might remedy the evil to some extent, by adding a little more time, reflection and caution, to all such transactions, without preventing much of the good resulting from the practice. Experience has shown that the wife is a good adviser and safe counsellor.

The act providing for the election of public printer seems to me wrong in principle and one that ought to be repealed. Almost every act of the kind is the result of an effort of the stronger party to sustain a press by the aid of the public patronage. This is wrong. If the leading paper of either party is to be sustained by public patronage, it ought to be the paper of the weaker party. But the proper plan is to give the printing to the lowest competent bidder. There is no difficulty in doing this. To simplify the matter, the State should always purchase the paper for public printing. The character of the type could be made a matter of certainty in the contract. Even the form of a bid could be prescribed, so that no difficulty could occur in deciding upon the character of a proposition, or in determining who was entitled to the contract. These contracts could be made by any officer of the government, long in advance of the meetings of the Legislature, and without any partiality or favoritism. Each officer should be allowed to get his blanks printed where the terms would be most reasonable and the work best done. This privilege would enable him to get his work better done, and would relieve him from any necessary connection with an establishment that might be odious to him; a relief which no Legislature should refuse to grant in a matter involving so little expense, and yet one so important to the State and to the officer.

The Secretary of the Treasury of the U. States is required to collect statistical information in regard to the condition of the various pursuits, agriculture, manufactures, domestic trade, currency and banks of the several States. This matter is important to every country, especially in giving a proper direction to the labor of the people,

by showing the extent to which various pursuits are followed, and which are likely to be profitable or unprofitable. This matter is of sufficient importance to merit the careful consideration of the Legislature.

A geological survey has been made of several of the States. This is an important subject. In our State, possessing such a variety of soil and abounding to such an extent in minerals, such a survey might be of incalculable advantage, especially in developing the large deposits of rich and valuable minerals, which might give useful employment to an immense number of people. This subject is respectfully recommended to the consideration of the Legislature.

I found it necessary during the last session of the Legislature to return a bill appropriating thirty-five thousand dollars for certain improvements about the penitentiary, or rather for the building a new penitentiary, including the old one, with my objections to the bill. It may become necessary during the progress of the present session to notice this matter again, and in that event the subject will be fully explained. For the present condition of the penitentiary, the Legislature is respectfully referred to the report of the Inspectors, which will be furnished at the proper time.

A report from the register of the Land Office is enclosed. The object of the report is to bring to the attention of the Legislature certain defects in the law prescribing the duties of that office. The attention of the Legislature is respectfully called to the several matters suggested in the report, and also to the law prescribing the duties of that office, and especially to the amount of duties required of the Register.

Several documents accompany this communication forwarded to me from different States to be laid before the Legislature, to which your attention is invited.

It is much to be hoped that your proceedings may be harmonious and the business of your session speedily dispatched. No obstacle will be placed in the way of your action, where it can be avoided. If a bill should be returned,

however, with the objections of the Executive, that should be viewed rather as a matter of delay than as an effort to thwart the action of the Legislature, or as a cause of excitement. The veto power, under our constitution, amounts to little more than the further procrastination of a measure—a bare majority of all the members of each house being sufficient to pass a bill notwithstanding the veto.

In conclusion, let me say, that it is much to be hoped that no case may occur, during the present session, requiring the exercise of the veto power; and, that in no case will it be exercised, except where a faithful discharge of the duties of the Executive, or the obligations of his oath, render it imperative.

JOHN C. EDWARDS.

CITY OF JEFFERSON, NOVEMBER 16, 1846.

SECOND BIENNIAL ADDRESS

DECEMBER 26, 1848

From the Journal of the Senate, pp. 20-36

To the Senate and House of Representatives:

Gentlemen—Yours is the fifteenth General Assembly which has convened in our State, and, yet, judging the future by the past, the business of making and changing laws is, by no means, drawing to a close.

In making this remark it is not intended to convey the idea that there is too much or too little legislating,—that is a matter for your body to determine—but to save the necessity of frequent changes, it is respectfully suggested that great care should be taken in maturing every bill before it is finally enacted. Hasty legislation, except in extreme cases, should be studiously avoided.

Since our State was organized and admitted into the Union, a period of about twenty-eight years has elapsed, and during that time, we have advanced, with strides more or less rapid, in wealth and population; but never before, has our legislature convened under circumstances, except as to increase of population, so flattering, or calling more urgently for thanks and gratitude to our Maker, for the many and great blessings which the country enjoys. These thanks and this gratitude a highly favored people should unite in rendering up to the Giver of all good, and none can do so with stronger convictions of our deep indebtedness than the Executive.

Even in the last four years, our condition has been greatly changed for the better. A kind providence, smiling upon us bountifully, has poured out its choicest blessings from a full cup. When first it fell to my lot to address you as the Executive, the harvests had been destroyed with floods; since then they have been abundant, and now, not

only the granaries, but even the barn yards are full; then we imported more and shipped off less; but now we import less and ship off more; then the country was afflicted with disease; now almost universal good health prevails; then, the people, broken down with idleness and extravagance, were sorely pressed with debt; now, through industry, economy and frugality, the great mass have paid their debts, recovered their liberty, and enjoy ease and comfort.

As late as four years ago, many were too indolent to work, or else foolish enough to deem it disreputable; but now, from necessity and the character of the times, almost every man has gone willingly, or been driven to work, and that man might well be considered insane who could any longer look upon honest labor as disreputable. It may now be said in truth that almost every man is adding to his own and the commonwealth by his industry, economy and frugality. The few remaining, who are not actually laying up for the winter of life, are at least supporting their families and paying old debts, and preparing the way to lay up in future. This change in the character of a large portion of our population is considered one of the most fortunate circumstances of our times. In every age and in all countries, the mass of the population must live by industry and toil; and as only a few can thrive upon their wits, every encouragement should be given to honest industry.

Four years ago, even in our politics, we were split up, divided and confused with improper issues. The old division between whigs and democrats was invaded, and party lines obscured, and party colours mixed and blended together till many had to ask, "where are we;" but now this matter too is changed, and a democrat is a democrat and a whig is a whig again. These remarks are made in reference to our own State, and never was the democracy here stronger or the party better united. That union is considered the surest harbinger of our continued prosperity. This is said in no disrespect of political adversaries, but in the honest conviction that democratic principles are best calculated to promote the interest and permanent good of the whole

people—whigs as well as democrats—and that the union of the democracy is, therefore, properly enumerated among the fortunate circumstances surrounding us.

Four years ago our State was not only in debt, but borrowing money to pay interest upon debts—not collecting revenue enough to meet expenses—now we have ceased to borrow, and are collecting revenue sufficient, not only to meet expenses, but also to commence paying off outstanding bonds.

Such is a part of the history of our condition a few years back; and such is a part of the history of our condition now. The changes have been important and fortunate for us. We owe much to the favors of a kind providence for this improvement in our condition, and much to the fact that we have manfully put our own shoulders to the wheel; something to the distress and misfortunes of other countries, but much to the good health and bountiful harvests of our own; and much more to wise legislation—the freedom of trade.

REVENUE.

Our revenue is in a good condition. The amount received in the last two fiscal years, ending the thirtieth of September, 1848, is \$435,643. From this sum however, should be deducted 19,000 dollars borrowed under an act entitled “an act to sustain the credit of the State.” This deduction would leave of net revenue for the last two fiscal years 416,643 dollars. The revenue for the two preceding fiscal years was only 330,754 dollars. The two sets of figures show an increase of revenue in the last two fiscal years of 85,889 dollars. The increase in the year 1837 over that of 1836 is 34,366 dollars, and over the year 1835 60,127 dollars.

The amount of revenue expended during the same period, including the payment of interest upon the State bonds is about 389,000 dollars, leaving on hand over 27,000 dollars. The revenue for the next two years will hardly fall short of 420,000 dollars; and the expenses will be only about that of the two last years, say 389,000 dollars including

142,000 dollars interest upon State bonds; leaving a surplus to be applied towards the payment of debts, of 31,000 dollars.

These figures show a prosperous condition of our revenue, and if no change is made for the worse, instead of borrowing, as we have heretofore done, to pay interest upon State bonds, we may now commence discharging the debt hanging over the State. In fact the work has already been commenced. Under the act to sustain the credit of the State, the executive was authorized to borrow the sum of 80,000 dollars. Of this sum, the Treasury having been previously exhausted, first, by the session of the convention, and, second, by the session of the legislature soon afterwards, 19,000 dollars were borrowed and no more; being 61,000 dollars less than the act authorized the executive to procure. This was not actually paying debts, but it was avoiding the contraction of them, where it had been supposed it might become necessary to contract them. But over and above this, one bond of 20,000 dollars, given to the Branch Bank at Jackson, has been paid off and the bond cancelled and filed in the Auditor's office. This is the commencement of the discharge of our public debt, and is an epoch in the history of our State which deserves to be marked and remembered. We should now congratulate ourselves on having reached the end of our road in extravagance, and for the future we should continue to retrace our steps, never looking back till all of our public debts are faithfully discharged, and the State released from the grasp of the bond holders. Every item of revenue, whether small or great, should be carefully saved; and when not needed for other important purposes, should be applied to the payment of outstanding debts.

REPORTS.

The reports of the Auditor and Treasurer, and of the Superintendent of Common Schools, and of the Inspectors of the Penitentiary, will be presented to you at the proper time.

AUDITORS.

In the Auditor's office several changes have taken place since the beginning of my administration—the term of service of the first incumbent expired—the next, the Hon. Wm. Monroe, resigned, and soon after died—and the next, the Hon. James R. McDearmon, died while in office. Of these two men, it is right to say, that of their competency and faithfulness, their works are the best evidence. Both were upright, honorable and correct; and each ever seemed unconscious of the extent of his own worth and merit. The loss of these good men has been unfortunate for the country; but, from the examinations, the office appears at each change to have been fortunately filled.

MONEY BORROWED.

The 19,000 dollars worth of bonds—previously alluded to—and sold under the act to sustain the credit of the State, were sold mainly to citizens of the State, and made to bear eight per cent. per annum interest, the lowest rate at which any offers were made to take them. A much larger sum could have been disposed of had the money been needed for State purposes; but care and economy and an improving revenue enabled us to meet our obligations without involving the State to any greater extent.

BORROWING.

If paying debts as they become due should make the credit of a State good, then ours ought to stand among the foremost in that respect, because she has seldom failed to make arrangements to meet the demands against her; but enviable as may be the position of a State in good credit, it is far better and much more reputable to be wholly out of debt and independent of the world. If a borrowing scene, on a large scale, could be fairly represented, the picture would certainly not meet the approbation of the people of our State. It is hardly possible to conceive a more

humiliating and degrading position for a community of sturdy, industrious, honest and hard-working men. A striking view of this picture might be conceived, if, instead of the agent employed to beg the loan bowing at the feet of a haughty banker, we could imagine one hundred thousand strong, healthy and able-bodied men, such as stood erect against the storms of the late war, bowing in their own proper persons, and presenting their petition, begging the loan of some money. The State, with her assembled population on one side, headed by the bearer of her petition, and the banker, with his money bags on the other, about to receive it, would present a spectacle to be looked at in shame and sorrow and humiliation by the balance of the world. But to the State this would be the least humiliating part of the transaction. The worst would follow. After hearing the petition for a loan, the banker would go, first, into an examination of the character of the State for honesty and punctuality in paying her debts; if he found her inclined to pay then he would examine her means and ability to carry that inclination into effect; if her means were found to be abundant, then he would enquire what provisions had been made by law to raise those means to be applied at the very hour when due in discharge of his claim for interest upon the loan; if the proper provisions were found to have been made to raise the means to pay, then, still suspecting the honesty and punctuality of a borrowing people, he would agree to loan the money only on condition that the state would humble herself still further, by getting some petty and contemptible banking shop—the offspring of some evil hour in her own legislation—to indorse her bonds; and, as the last step in the measure of degradation, when application is made to the bank to indorse for the State that created it, and in fact that mainly owns it, that bank refuses to endorse the bonds, and the humble petitioners fail to get the loan payed for. Such is a feint picture of a borrowing scene, and if properly understood by the people of this State, one would rarely ever meet their approbation.

BOUNDARY.

The question of boundary between this State and Iowa has at last been placed in a fair way of adjustment. It is now before the Supreme Court of the United States, unless it has already been taken up and disposed of. It was understood to be the first, or one of the first cases to be taken up, after the meeting of the court, if the counsel for the State of Iowa should be ready for the trial. On our part, we have been ready all the time. We have thus a fair prospect of a speedy adjustment of this troublesome question.

DELISLE CLAIM.

In the DeLisle case, involving the question of title to a portion of the seat of government, a trial was had in the Circuit Court and a decision rendered in favor of the defendant, but a writ of error was taken to the Supreme Court, where, one judge not sitting, the decision of the Circuit Court was affirmed, the two remaining judges dividing in opinion. The case will probably be taken to the Supreme Court of the United States, and in that event, a further appropriation will be needed to pay counsel for managing the case at Washington City.

LUNATIC ASYLUM.

The last Legislature made some provision for the erection of a Lunatic Asylum. To make the location, three commissioners were appointed, who selected Fulton, in Callaway county, as the place entitled to the asylum, under the provisions of the law. It was intended to appropriate that portion of the surplus revenue allotted to this State to the erection of the asylum, but the law providing for its reception by the State, was never signed by the Lieutenant Governor, and was, therefore, very properly decided by the Treasury Department to be no law. In consequence we were not permitted to draw the surplus revenue, and not receiving this fund, and having no other, the commissioners

made the location, but no progress with the buildings for the asylum. This subject will call for action. An asylum ought long since to have been erected in this State, and should not be further delayed.

GOVERNOR'S HOUSE.

During the last legislature several efforts were made to get an appropriation to furnish the Governor's House and put it in condition to receive the next governor, but all of them were unsuccessful. With an appropriation previously made, and the expenditure of some private funds and the contraction of some debts which remain unpaid, such repairs have been made as seemed to be essential to preserve the buildings and property adjoining them. An appropriation should be made to pay these debts as far as they may seem to have been properly contracted. The whole of them were deemed necessary; if otherwise the improvements would not have been made. The house itself is in much better condition than it was four years ago, the roof having been made tight and the cellars dry. It is now deemed a healthy residence, and if furnished, would be comfortable enough. The rooms with smoking chimneys have been supplied with stoves, and these ought to be retained for the use of the House.

GOVERNOR'S FURNITURE.

The old furniture belonging to the Governor's House—if not the whole, a large portion of it—should be sold and new purchased. Some pieces of this furniture must have been on hand fifteen or sixteen years, and are no longer fit for such a building. Of many things, essential to the use of a family, the house has been for years almost wholly destitute. To expect the Governor to furnish the House out of his own private funds is out of the question. To do this, and extend a little hospitality to visitors from different parts of the State, a matter expected of him, would consume more than a governor's income. No man in medium circumstances can do this without reducing himself to beggary

and want; and no rich man should be required to do it; because the government should act upon principle and alike to the rich and the poor, favoring and restraining all in the same manner, and to the same extent.

GOVERNOR'S SALARY.

As the advocate of high salaries, the people of the State have never known me. In most cases my reflections upon the subject have forced me to consider them an evil. They create a scramble and contest for offices which should not be encouraged. In our State, some of them might be even reduced, but the salary of the Governor should be made an exception. That is too small. His sacrifices are many, his responsibilities great; his labors often excessive, and, if he stands up to his duties faithfully, the envy, and malice, and hatred, and slander, and abuse, and detraction, and calumny and vituperation heaped upon him is unbounded, and beyond the measure of any salary, even when the Governor is so constituted as to regard these things in a proper light. And but few are so constituted. Almost every executive in our State has fallen, politically, before them. One—a good man and a patriot—resigned and left his post before his term expired; the next left before his term was out, and not in good odour; the next committed suicide a year in advance of the close of his four years; and the next has moved, at all times prepared to meet the assassin, during at least three and a half years out of the four of his administration. If a man is not driven to do it, he must at least be willing to fight his way, if he does his duty to his country and his constituents as an executive of this State. And the matter is not better now than it was formerly, but it is worse.

To a good man who is poor reputation is every thing. And what is the salary of a governor, placed in opposition to a stain upon a fair reputation, however, base and false and foul the slander which the calumnious may have fastened upon him, even in the estimation of the most ignorant and

least informed of his fellow men. No matter how false and base a slander may be, there will be some ignorant enough to believe and repeat it; and others mean enough to pretend to believe and base enough to repeat what they know to be false. If we measure either by the expense, the labor, or the slander an executive must suffer, the salary is too small and should be increased.

SWORD TO MAJ. RILEY.

In pursuance of an act of the legislature a handsome sword has been procured to be presented to Maj. B. Riley, but in consequence of his being ordered to California the sword has not yet been delivered to him. This sword was ordered to be presented before the late war, and for services rendered on our frontier. Since then the gallant old soldier has won for himself a far brighter fame, and one that deserves a fair page in history. We have sons of our own who have performed gallant deeds for their country, and these merit your attention and are entitled to any further honors that may be conferred.

SACRAMENTO CANNON.

In the battle at Sacramento, our troops captured several pieces of artillery, and brought them with them back to Missouri. These trophies Congress has very generously awarded to the State of Missouri as testimonials of the gallantry of our troops. In this spirit the State should receive them, and should place upon them suitable inscriptions, and make arrangements to protect and preserve them against injury and damage, and at the same time to have them exhibited to the curious and inquisitive.

STATE ARSENAL.

In connexion with this subject, it is proper to state that we receive our quota of arms annually from the United States, but that we have no place prepared to keep them in safety and good order, and that in consequence they

suffer much injury and many pieces become unfit for use. To remedy this evil the propriety of constructing an arsenal is recommended for your consideration.

EXPENSES OF THE WAR.

The expense incurred by the State in consequence of the war is a subject claiming your attention. An act of the last legislature made provision for the settlement and payment of these accounts, and required such as were paid to be forwarded to the secretary of war that the amount advanced by the State might be refunded. The accounts settled have not yet been forwarded. One or two remain unsettled which it was deemed advisable to arrange before the accounts were forwarded, that all might go to the war department together. One of these accounts is due to the Adjutant General for services rendered by him in organizing troops. Judging by the immense increase of labor and duties which the war devolved upon the executive, the conclusion has been forced upon me that the Adjutant General, whose duties were equally heavy during at least a portion of the time for which he claimed pay, is justly entitled to remuneration for his services. It is understood, that whatever may be paid him will be refunded by the war department, with the other accounts. Two Military Secretaries—but each one employed at different times—have claims unsettled, which ought to be allowed. Claims of the same character were allowed by the last legislature.

CHIEF MUSICIAN.

The chief musician commenced his labors, according to the decision of the Auditor of Public Accounts, before he was entitled to draw pay under the new militia law. The sum due is but a small one, and the propriety of paying it out of the military fund is respectfully recommended. One assistant musician was employed a short time, and he has a small claim of the same character that may be presented for allowance.

PUBLIC PRINTER.

In my last message the repeal of the law to provide for the election of a public printer was recommended. Further experience has strengthened my opinion in the wisdom of this measure. The printing is believed to cost more than if let to the lowest bidder; and as a general rule the work is believed not to be so well done. The public printer cannot often be the organ of any party. His election may frequently be the result of a union between the minority and a fragment of the majority. Instead of being an organ for an administration, he may be the worst enemy of the executive; or his press may be owned or controlled by the very man who calumniates the executive; and any defence of the executive may be excluded from the public press by the very man who has made and published the base and false charge against him. The tendency of this law is to produce a breach between an executive and public officers with the public printer; or else to corrupt the executive and public officers, by inducing them, rather than to have a breach with the public printer, to allow his demands against the Treasury where his work has been badly done, not done in time, or done on bad material; and, in cases where accounts may be allowed under different sections of the law, to construe the law so as to allow the public printer the largest amount of money. In one case already, a public officer has been denounced for discharging what he believed to be his duty in the settlement of an account. A timid officer may well fear a public printer. The printer can denounce him over the State, and, under our overly-wise post office law, unless the public officer pays in advance for services that may never be performed, that is, applies a portion of his salary to pay the postage on his reply, he may never be defended. If this law is not repealed, then some provision ought to be made, in case an executive should not happen to be on good terms with a public printer, of getting the truth in regard to his administration before the country. This much is due to the people themselves.

BANK DEBT.

The State is indebted to the Bank, and the Bank demanded payment before the adjournment of the last legislature, but too late in the session to render it advisable to recommend any action upon the subject. This case forms an exception to the assertion made in a preceding article, that our State generally makes timely arrangements to meet the demands against her; and whether it is proper even now to comply with that demand or not is a matter left for your consideration. The State has made the Bank and mainly owns it, and appoints nearly all the directors. Whether, then, the Bank shall dictate to the State, or the State to the Bank, is deemed a very proper matter for your consideration, and one for your decision.

In the wisdom, prudence and patriotism of the Bank, if we judge the future by the past, but little confidence can be reposed. This remark is made mainly in allusion to the mother Bank, most of the branches having been better and more profitably managed, and some of them with an eye more certainly directed to the interest of the State.

On a previous occasion the Bank claimed the payment of a similar debt, but one larger in amount—bearing six per cent. per annum interest. An act was passed authorizing the Governor to borrow \$253,000, in part to be applied in the discharge of the debt. Bonds were issued under this act, and made payable in ten years, but redeemable in five, and were endorsed by the Bank; and in a time of profound peace, were sold under that indorsement, bearing the exorbitant rate of ten per cent. per annum interest. The proceeds, as far as required, were applied to the payment of the debt due the Bank. Thus the State paid off a debt to her own Bank—about the equivalent of paying a debt to herself—bearing six per cent. interest, by contracting another with citizens of other States, bearing ten per cent. interest, and this at the urgent demand of the Bank. On the part of the mother Bank it is believed that an average of six per cent—the rate of interest paid by the State—

even on her capital, has never yet been realized. It was then not wise, prudent or patriotic, to call upon the State to pay the debt bearing six per cent. interest, when the only mode of doing it was to contract another of equal amount bearing ten per cent. The Bank gained nothing by the operation, and the State lost four per cent. upon the whole debt. The seminary and saline funds have told even a more distressing tale as to the manner in which the Bank has managed them; and the scanty returns made to the university and the common schools in the shape of dividends upon these funds have deprived many children of the education to which they were entitled. But the Bank may have doubted the solvency of the State, and if so very naturally felt an interest in reclaiming her debt before the Treasury bankrupt. Her conduct in connection with the effort to pay off the above bonds, at the end of five years, when they became redeemable by refusing to indorse for the State—another important part of the history of this matter—would seem to strengthen the above idea.

The refusal of the Banks to indorse occurred in this way: An act was passed the 27th of March 1845 authorizing an issue of bonds to bear an interest not to exceed eight per cent. per annum, to be exchanged for the above ten per cent. bonds or to be sold to raise funds to redeem them. During the progress of the war, and while the money market was not in a good condition, and when the government of the United States was beginning to borrow largely to defray the expenses of her armies, the Executive prevailed on the holders of nearly all the ten per cent. bonds redeemable in the year 1846, to exchange them for eight per cent. bonds, thus saving an annual interest of two per cent; but they agreed to exchange only on condition that the Bank would indorse the eight per cent. bonds just as she had indorsed the ten per cents five years before. In pursuance of this arrangement, application was made to the Bank to indorse, but the Bank, instead of indorsing at their first meeting,—and not hesitating an instant to do what she had done before, and to relieve herself and the State from liability

for two per cent on that large amount of money, over 250,000 dollars—took time to examine, consult, deliberate, and finally refused to endorse for the State. Thus ended the negotiation—the State being disgraced by the refusal of her own Bank to indorse her bonds—and under that refusal compelled still to pay ten per cent upon the debt of more than \$250,000 instead of only eight per cent.

PENITENTIARY.

It became my duty four years ago to veto a bill appropriating 35,000 dollars for improvements about the penitentiary. This bill was probably passed in consequence of representations from the lessees that they were compelled to have more cells and more room. Soon after the veto of this bill, the inspectors of the penitentiary gave the lessees a contract for building a block of cells. That block has now been in the course of construction nearly four years, but notwithstanding the representations of its great and urgent necessity for immediate use, the building still remains incomplete. This excites a strong presumption that the building was more necessary to pay up the rent accruing to the State than to confine the convicts. Nearly six years of the present lease have expired and if it was found safe and convenient to keep the old cells in use that long, and to defer the completion of the new cells up to this time, it is not unfair to conclude that with a little care and some repairs, the convicts might have been kept safely in the old cells during the remainder of the present lease. This would have saved the State some twenty thousand dollars to have been used in paying her debts. Besides this, if it had been known in the next letting of the penitentiary, that contracts for work were to be given to the lessees to pay the rent, this fact would have tended greatly to increase the bids, and would have added another sum to the State revenue to be used in paying debts. As the block of cells is now nearly complete, it is probable that another appropriation will be asked of the present legislature for some other work about

the penitentiary. It is well for every legislature to be cautious of public contractors, especially where the partnership is composed of men of different political parties, as is generally the case, not only in this State, but in every State in the Union, and especially in contracts for the United States. This union of men of different politics is usually for the purpose of uniting the different parties in the legislature in applications from the partnership concerns for alterations, improvements or additions to their contracts, and it is generally the strongest, most efficient and successful of all combinations for log-rolling purposes, and often produces results striking legislatures themselves with perfect astonishment. Such men, without being the representatives of any part of the people, in fact being nothing short of public swindlers, enter the halls of legislation, and offer members their support of favorite measures provided the members will advocate their applications for changes, alterations, improvements, or more pay in their own contracts. Members are drilled privately, the whigs by the whig contractor, and the democrats by the democratic contractor—members of both parties are united in favor of the measure, and this often gives it the appearance, to such as have not the time to investigate the matter, of being just and right, when the application is decidedly wrong. Nobody can doubt now the correctness of the veto of the penitentiary bill, yet that was passed by a large majority of the legislature. It is clear to every one that the main object on the part of the lessees was to prepare the way to pay the \$50,000 of rent which they had agreed to pay the State and get pay for whatever further improvements the change proposed might require to be made. A legislature should act upon such measures with great caution. All their information comes from men deeply interested in a pecuniary point of view. And individual members should be cautious how they pledge or commit themselves, or barter their votes in such cases. In opposing such concerns, it is not unusual for a man to bring upon his head their opposition and even violent abuse. For vetoing the penitentiary bill the executive was even

charged with "bribery and corruption," and an honorable member of the Legislature—William Carson of Marion—was called upon to prove this charge. He was chairman of the penitentiary committee and knew all about the matter. In reply to an interrogatory in the case, he says in a letter, dated Dec. 26, 1845, "that the idea of bribery and corruption on the part of the Governor was not spoken or thought of as far as he knew until after the veto of the penitentiary bill." "The first notice I saw of it was in the 'Visitor' published at Warsaw, either editorially or by a correspondent. I did not impugn the motives of the Governor nor of any of the parties concerned." Then the witness called upon to prove the charge says he never heard of it till "after the veto of the penitentiary bill," and that "the first notice he saw of it was in the 'Visitor' published at Warsaw, either editorially or by a correspondent", and this notice, which the witness first saw, was the false charge itself—published by those making it. To say the least of it, this was a poor recompense for throwing one's self between the Treasury and the public swindler, and thus saving the taxes wrung from the hard earnings of the people; but a public officer, in our times, is more apt to be rewarded for a violation of duty than to be excused for a faithful discharge of it.

SYSTEM OF LEASING.

The present system of leasing the penitentiary ought to be changed or abandoned. The interests of the State and the reformation of the convicts both require an alteration. To save the executive in the exercise of the pardoning power,—one of his most important and delicate duties—a power not unlike that exercised by our creator towards ourselves—even the worst of us—a change should be made. This change is due to the lessees. The present system of leasing gives the lessees the right to all the labor of the convicts. This interests them naturally in keeping the best men and most valuable hands, and in aiding the liberation of the worst and least valuable. Every exercise of the

pardoning power deprives them of the labor of some hands, and usually the best ones go first. This brings the executive and the lessees in collision, and every effort is made to embarrass him in the discharge of this important duty. The language is not the most elegant, yet it is hardly a figure of speech and to say, that the present system of leasing may have the tendency, at every instance of an exercise of the pardoning power, to force the executive under the direct fire of a floating battery of falsehoods. The merits of the case afford him no relief from such attacks. In justice to the lessees and the executive, and to prevent this collision between cupidity and mercy, if the leasing system is not abandoned, it should be so changed as to make the lessees pay only for the time that the convicts may actually labor in their employ. This system has been adopted in some States and has been found to operate better than ours. This change should be made before the next letting of the penitentiary and so as to take effect then. The Legislature or the Inspectors ought to appoint the physician to the penitentiary. One or more officers should be appointed to examine the convicts, and to aid them where they are probably innocent, in getting the facts of their cases for the use of the executive. At present they are denied all facilities of this character; and yet there is no doubt in the minds of some who have the means of forming opinions, that men are now confined in the penitentiary for offences which they never committed.

INTERNAL IMPROVEMENTS.

As the State has now commenced paying off her debts, and as the people were never in a more flourishing condition, by pursuing this policy steadily and judiciously, we may soon discharge all our obligations. In the meantime, the condition of our finances, the increasing wealth, population, agricultural products and manufactures of the country, will justify a preparation for the prosecution of a system of internal improvements.

Before any works are commenced, however, we should

collect plans, prepare estimates and ascertain the relative value and cost of works of different characters; for example the plain roads, plank roads, macadamised roads, rail roads, canals, locks and dams or slack water and deepening shoals. These plans should be taken from works already constructed; and the estimates should be made from the actual cost of works already completed, and in every case the estimate should be accompanied by the price of labor and provisions at the time the work was constructed, the cost of material and the character of the natural base or foundation on which the work was erected. Estimates made by men seeking employment are seldom fair tests of the actual cost of an improvement and should be taken by a legislature with much caution. They have been found, generally, to be too low; and States acting upon them have been involved and greatly injured. We have many objects of internal improvement about which we should be collecting information.

We have several rivers that must become subjects of improvement as the population of the country and means at command increase. The St. Francis, with improvement, may become a good stream, for the section of country through which it flows. As much of it runs through a flat country, its waters are of course discharged slowly, and where this is the case, a much smaller volume of water makes a stream navigable. Black river is a stream of which but little has ever been said in the legislature, yet it well deserves attention among those enumerated as objects of improvement. In its character, it is more like the St. Francis than other rivers of the south; and all such rivers are more easily rendered navigable than those having a greater amount of fall. Current river in the south is a bold stream and affords a large amount of water, and with locks and dams may be made navigable for steam boats high up in the State. This river would furnish a large amount of water power for manufacturing purposes. North Grand river, although probably discharging a less amount of water, has yet the appearance of being larger than Current river. This stream might also

be made navigable with locks and dams; and flowing through a country rich in soil and population, the water power would be of immense value for manufacturing purposes.

The Osage is a stream of still larger size and waters a greater extent of country, and, passing through a fertile region, embraces in its interest a much larger population. As to the proper plan of improving this river there are various opinions; so many and so different that a mere guess as to the best plan would be useless. Before any large amount of money is expended on it proper tests should be made as to the feasibility and usefulness and cost of different plans. A very large, industrious and wealthy population is now interested in the improvement of that river, and the subject merits serious attention; but no hasty and badly prepared plan should be adopted. An unsuccessful plan would injure the river and the reputation of the country. The work should be entered upon with great care and caution.

Of the improvement of the Missouri enough was said in my message to the last legislature, and what was then said, after two years more of reflection and observation, it is still believed, deserves your attention and action. The most important results are often produced by the proper and timely application of means apparently weak and inefficient, and too cheap and simple to effect their object. But practical and experienced river men have approved of the plan suggested for the improvement of the Missouri. No permanent work, except the removal of snags and preventing others from falling into the channel can be made on this river. The shoals themselves are temporary and the improvements on them must be equally so. But they are easily improved. The passing of a boat often does the work. A good dredge might be of great use in deepening the shoals. This operation on the Missouri would be unlike a similar one on almost any other stream. The shoals are wide and deepening a channel of fifty or sixty feet would hardly effect the pools above. In fact the Missouri may be said to have no pools. The water falls every where and forms a swift current.

White river is represented as a valuable stream. In its character it resembles Currant river, but furnishes a larger amount of water, and in its unimproved state can be navigated at times. The improvement of this river will be an object of great interest to a portion of the people of the south west. South Grand river or Neosho lies beyond the State—a beautiful stream, flowing but a little west of our western boundary, and collecting in its course nearly or quite all the waters of the southwest corner of the State. The improvement of this river is a subject of deep interest to some of our southwestern counties. But this is a work for the General Government, the river lying beyond our jurisdiction, if the survey of our western boundary be correct. The improvement of this river should be presented to the attention of Congress by a memorial from the legislature. The time must come when the improvement will be made, and there is no danger of putting off that time by presenting the subject at an early day.

But of all the improvements enumerated none claims more urgently your attention and immediate action than the drainage of the southern swamps. This subject is not unimportant to the United States, it is important to the State, and of the deepest importance to that particular region. The health of the country, its wealth and prosperity, the increase of population, the travel both by water and land depend upon it. The plan of asking Congress for alternate sections of the land to defray the expenses of reclaiming it, is probably the best which has been proposed. If this plan, and the character of the lands to be reclaimed, their worse than worthless condition, the impracticability of ever selling them in their submerged condition, the inconveniences under which the inhabitants labor in passing from one section to another and especially in getting their produce to market, and above all the effect which so large an amount of swamp lands has upon the health of that region and the surrounding country to a great extent—if all these things could be properly presented to the attention of Congress, that body could not discharge its duty faith-

fully and refuse to provide means to improve the southern swamps.

This subject of internal improvement is one of vast importance to our country; but the subject of establishing manufactories is another of equal importance; and although the two are in their nature very unlike each other, yet the encouragement of either would produce a similar effect upon the country; that is, improve the prices of the productions of the soil, and diminish the prices of manufactured articles. The operation of each is better illustrated by an example.

From this place 20,000 bushels of wheat and upwards—the growth of this year—has been or will be shipped. The average price of this wheat in this place, and probably for the whole length of the Missouri river, has been about fifty cents per bushel. In St. Louis, an average price for the same wheat has been about eighty cents. This is a difference of thirty cents; and twenty cents of this is probably for freight. The tax for freight, on the 20,000 bushels of wheat shipped from this place for this year will then be 4,000 dollars. From every district of ten miles, including both sides of the Missouri river, we may safely calculate that an equal amount of wheat of the present crop will be shipped. This would make for the Missouri river say 600,000 bushels, and the freight on this amount would be 120,000 dollars. Now if the river was well improved, at least half this amount paid for freight would be saved to the wheat grower; say in round numbers the sum of 60,000 dollars in shipping the present year's crop; and the next is expected to be much larger. This sum properly expended would put the Missouri river in a very safe navigable condition. And this is but one article of export, nothing being said of the reduction of freights on the great number of imports. And what is here said of the Missouri river is applicable to the other rivers, and to rail roads and canals, in proportion to the demand for transportation on them. This is the improvement side of the question.

The great anxiety in our State to improve rivers and

construct rail roads is the result of a strong desire to open good ways for the conveyance of our raw material to the manufacturing districts of country to be exchanged for their fabrics. If, instead of improving rivers, constructing rail roads and digging canals, the amount of money necessary to make these improvements, was expended in erecting manufactories through the country, then in a short time, a large amount, say one-half of our population would be taken from the cultivation of wheat and employed in spinning wool and cotton, and hemp and flax, and in working up the iron, lead, copper and other metals of the country, and in making glass, stone and earthen ware, and one the thousand other articles demanded by the wants of the community. If half the people were taken from the wheat field, the growth of wheat would be diminished one half, and the demand for that product would be increased and the price doubled; and with little or no charge for freight, because the factory should be in the neighborhood of the wheat grower. And in this state of affairs, while the farmer would be getting a higher price for his wheat, he would obtain his manufactured articles at lower prices. His wheat would bring him more because he would sell it without paying freight; and he would buy his manufactured articles cheaper, because they would come free of similar charges.

It seems then that the improvement of our rivers, the construction of railroads, digging canals, and the erection of manufactories, would each affect the prices of products in the same manner, but perhaps not in the same ratio. It is important then to enquire which course of policy should be encouraged first. About 12,000,000 of dollars are invested in the Lowell factories. These would probably make double as many fabrics as our State would consume and it might take twice the above sum to improve our rivers, and construct the contemplated roads, and the necessary canals. It might then be well to give every possible encouragement to manufactories as the first and most profitable step to be now taken. But the encouragement of these as well as our agricultural pursuits would soon demand the adoption

of a system of internal improvements. Our surplus fabrics, as well as our surplus products, might soon demand other markets. But our first move should be to rear the factories.

DIVISION OF PURSUITS.

In a previous message, the necessity of diversifying our pursuits, with the view of enhancing the value of all labor, was earnestly urged. This matter may not strike the public mind so forcibly now, as it might have done a few years back; because, for the present, many of the productions of the soil are in fair demand and produce comparatively good prices; but this was not the case a few years back, nor need we expect it to continue so for many years to come, unless we increase the variety of our pursuits and the demand for our products at home. The causes of the present increase in prices may be but temporary. One is the failure of crops in Europe. This may cease with the return of better seasons. The other is the repeal of the high tariff. This may be re-enacted before another year passes.

These are, then, but temporary causes and we need something more permanent to create a demand and enhance the prices of our products. This would be more certainly effected by a proper division of labor than by any other known cause.

At this time wheat and corn, beef and pork, hemp and tobacco, are our staples, and to these we may add a few horses and mules. But nearly our whole population is engaged in agriculture, and almost every man raises as much wheat, corn, beef and pork as his necessities require; and many as much as would supply a dozen families; and those who do not raise a supply are apt to be unthrifty farmers with but little means of buying from others; and, hence, there is frequently no demand, or else a very dull market for the surplus articles produced.

It is plain to the senses of everyone, that if by any accident or unusual occurrence—a bad season—a destructive hail storm—a visit from noxious insects—or any other

cause, only half crops are produced to feed our whole population, the demand would be greater and the price doubled. If one half of our population should cease to work, the same result as to demand and prices would follow. The idleness of half of our population would operate on the other—the working half—as a famine in Europe does upon the people of our Union. The idleness and the famine would each increase the demand and enhance the value of food. But each of these causes would of necessity give but a temporary value. The idleness in our State and the famine in Europe if continued, would each be followed by an exhaustion of the means to purchase, and both classes would sink from the condition of purchasers to that of beggars. But if half of our population, instead of ceasing to work, should only cease to cultivate the soil, and should engage in some other equally profitable employment, then, the whole population having still to be fed by the labor of one half, the same increased demand for the products of the soil, and an equal or greater enhancement of prices would follow; and this increased demand and enhancement of prices, being based on a proper division of pursuits, the means of paying would always be certain, lasting and increasing. And, this change of pursuits effected, the other half of our population might also expect better profits from their labor than they can now reap by cultivating the soil. If all this be true, then it becomes important to enquire how we shall divide our pursuits. If we can encourage manufactories, we shall accomplish this object to a great extent, and, probably, in no other way so successfully.

But this matter can be better illustrated by examining the manner in which our present system of affairs actually operates. Say a number of our citizens want a quantity of domestic—shirtings and sheetings. To get them, their first operation is to raise a quantity of wheat. This is shipped to the south and exchanged for cotton; and this cotton is shipped to Lowell, and there hands are employed to make it into sheetings and shirtings. These hands must be fed, and if the usual exchange of products, which ought to exist in

every country, be carried out in this transaction, then our citizens, at the time of sending their cotton to Lowell to be made into cloth, should also send a quantity of meal and flour, and pork and beef, and butter and lard to feed the manufacturers, and to pay in part for the labor. The shirtings and sheetings completed, they are shipped back to our citizens, and delivered to them on the payment of the expense of shipping the cotton to Lowell, the expense of shipping food to the same place to feed the hands, the expense of shipping the fabrics back to our citizens, the value of the labor bestowed on the fabrics, and the profits of the owner of the factory. This is the best phase in which the operation of exchanging our products for those of the eastern manufactories can be placed, because in any other there are many intervening charges by other persons not mentioned here. Now it is evident that the shipping of the cotton to Lowell, the shipping of the provisions to feed the hands, and shipping the shirtings and sheetings back, are all expenses that might be saved by having this work done at home. And in addition we could get hands cheaper here, and feed them cheaper than in Lowell, while performing the labor.

But this matter can be made still more striking by another illustration, even more simple and plain in its nature than the preceding. For our wheat, in this part of our State, a fair average price we may say is fifty cents per bushel. For plain shirtings a fair price with us is ten cents per yard. At these rates a bushel of wheat will buy in our market five yards of such shirtings. This same wheat is worth in Boston an average price of one dollar and twenty-five cts. per bushel. The same shirtings in the Boston market are worth five cents per yard. Then the bushel of wheat there would buy twenty-five, instead of only five yards of such shirtings, being a difference of twenty yards in the value of the bushel of wheat here and the value there. This twenty yards, then, in every twenty-five, is what we lose by shipping our cotton to Lowell to have it manufactured for us, and our provisions to the same point to feed the manufacturers on, instead of employing and feeding hands to do the

work at home. The example here given applies with equal force to other articles; and the only remedy for this evil, the only mode of saving this great loss, that can present itself to our minds, is to manufacture at home.

MANUFACTORIES.

If we manufacture at home, our heavy materials, our provisions and the manufactures of hemp and tobacco, our horses and mules, would be shipped down stream to the south and exchanged for cotton. This exchange would absorb a large portion of our surplus products of the soil. The cotton, a light article, might be brought up stream at proper seasons of the year for a very small cost. To manufacture it would require a large portion of our population, and those having to be fed would consume the balance of our surplus provisions; and thus the agricultural part of our population would be well provided for. With equal care the manufacturing part should be encouraged, and they could not suffer, once fairly under headway, because we have all the means of manufacturing here cheap and abundant. We have good water power and plenty of fuel and both are cheap and easily obtained. Real estate is abundant, at the lowest prices.—Provisions are plenty, and at double their present value, would be much cheaper than they are in places where manufactories have succeeded well. The fabrics produced, at half the prices many of them are now selling at in various parts of our State, would still be much higher than the same fabrics at Lowell. Our provisions then would cost the manufacturer less and his fabrics would sell for more than in other places; and still our farmer would sell his provisions higher and buy his shirtings and sheetings and other articles lower than he now does.

If these are facts, they are of deep interest to our population, and deserve to be well considered by your body.

The encouragement of manufactories would also widen the field for agricultural pursuits. It would encourage wool growing, to which business no country is better adapted than

ours; and it would extend the hemp growing business; and by manufacturing those articles we should reap from them more than double the profit. It would encourage the growth of all our staples to be exchanged for cotton, for the use of our factories, and all pursuits, and give new life and vigor to our population, and increase their wealth and comfort.

If it be so essential to the interests of our country to encourage manufactories, then it becomes a matter of deep interest to the Legislature to ascertain the best mode of giving that encouragement.

It is true that the two political parties into which our country has been divided have differed as to the best mode of encouraging manufactories, one party being for a high tariff to protect them, while the other claimed that they had protection enough under a low tariff; but in these differences, it should always be remembered that whatever may be the party division as to the best mode of accomplishing the object, yet the simple fact of making these things—of manufacturing the necessities or luxuries of life—is neither whig nor democratic policy, exclusively, any more than making corn, wheat, hemp or tobacco—but making them is and ought to be the policy of the whole country—of every political party.

But the question before us now is one in regard to the best manner of encouraging manufactories in our State. The effect and operation of a high tariff upon them was spoken of in my message to the last legislature, and then an effort was made to show that a high tariff would retard the establishment of manufactories in our State, and whether successfully or not, the position then assumed has not been controverted.

If a high tariff be not the proper means of encouraging manufactories in our State, then what is the proper course to be adopted? The best plan is, in every section of our country where one is demanded by the wants of the community, for the people to combine their means, as they would in the construction of a railroad or any other improvement. To be profitable, a manufactory of almost any kind should

be constructed on a large scale, and that would require a large capital, such an amount as would seldom be found in possession of one man, and such an amount as it would not be desirable for one man to possess.

If this be so, then factories ought to be established by companies or associations of persons. And this being so, it becomes important to ascertain the best mode of organizing and governing these companies or associations, so as to reap the advantages to result from a combination of their means without subjecting ourselves to the injuries which such bodies often inflict upon a community.

CORPORATIONS.

The best mode of organizing and governing such companies or associations is by an act of incorporation; but here we are as far from having obviated all difficulties in this matter as before, because there are few subjects about which parties differ more widely—and even members of the democratic party among themselves—than about the features or main principles of an act of incorporation. But if such an act be right at all, then there is one mode of framing it which is better than all others, and that should be ascertained, and made a general law to organize and govern all such companies, thus placing all upon an equal and the best footing, and saving much legislation upon the subject.

One of the political parties of the country is in favor of exempting all the private property of stock-holders in a corporation from the payment of any of the debts contracted by the company. This feature in an act of incorporation for manufacturing purposes is clearly an error. Among other evils, it will give the stock-holders power to push the credit of the corporation to the furthest extent, and then to rob it of its gains, its capital and its materials on hand, leaving creditors to make their demands out of the dilapidated buildings, the worn out machinery and the grounds rendered valueless by the failure of the company. This is

giving a corporation power to gain the confidence of the public in the beginning and to abuse it and swindle them in the end; and is, therefore, wrong.

Another party is in favor of making stockholders in a corporation responsible for the debts of the company to the full extent of their own private property. This feature in an act of incorporation is a great error in the other extreme; and would, or in most cases ought to operate to the defeat of corporate bodies. Such a feature is unjust because it would make one person responsible for the debts of another; and it is inexpedient because it would defeat corporations for manufacturing and other useful purposes; and such corporations being for public benefit when properly organized and governed, ought not to be defeated, but should be encouraged. The two features or principles mentioned are the extremes—the antipodes—the very reverse of each other, and both wrong.

The true principle, and the one on which every act of incorporation should be based is, *equality among persons—the same privileges to all—the same restrictions upon all*. This looks so fair on its face, as a general principle, that no party will be apt to complain of it at first view; and when closely scrutinized it will be found to answer the ends of justice fully, and that good policy and expediency demand nothing more.

A legal mind comprehends this principle at once, but the people at large to understand it properly, must know what is meant by the term “persons,” and what may be comprehended under it. Persons, then, are of two kinds, one natural and the other artificial. If we suppose A to be a stock-holder of five thousand, and B a stock-holder of ten thousand, in a corporation styled C, then we have a case to explain our term “persons” as well as our general principle. A, the stock-holder of five thousand, is a natural person; and B, the stock-holder of ten thousand is a natural person; but C, the corporation in which they hold stock is an artificial person. Under the principle of “equality among persons,” A, the natural person, would be bound for his

debts; and B, the other natural person, would be bound for his debts; and C, the corporation, or artificial person, would be bound for the debts contracted by itself. But each should be bound in the same manner. For example, if A or B contracts a debt of one thousand dollars, being worth exactly that amount, and one year afterwards, when the debt becomes due, the property has been borrowed, taken by force or stolen, in that case the creditor may proceed against the person having the property of A or B and make his debt. So under our rule, if A or B, the stock-holders in the corporation C, have taken part of the capital stock, or any part of the materials on hand, or any part of any dividend declared, then the creditors of C, the corporation, should have power to proceed against A or B for the amount of property, materials or money so in their possession and to recover. In other words, the profits derived from a corporation should be bound for its debt even after they have passed into the hands of the stock-holders, just as any profits made by any natural person would be bound for the debts of his contraction.

But a corporation has no soul. This is an evil. A natural person has a soul, and is generally a rational being, and by conversing with him and watching his movements, you judge to some extent of his means of paying, and upon this opinion of his ability to pay he is allowed or refused credit. Now if we place corporations upon the footing of natural persons, if we cannot infuse into them a soul, some honesty and the power of speaking, we should at least make the nearest approach to that object, and to do this should require the stock-holders, directors and other officers to be severally sworn to support the charter, the law of the land and the constitutions, and to demean themselves faithfully under their charter. The charter should provide for keeping a journal of their proceedings, and that a copy of it should be regularly filed with the clerk of the circuit court for the inspection of every person; also a book showing the exact amount of loss, and the exact amount of profit to the corporation; and especially the amount of property

or funds taken from the corporation by any stock-holder, and the exact amount of dividends drawn by any stock-holder, a copy of which should also be filed with the circuit court clerk. This book, or an authenticated copy of any part of it, should be made evidence against the corporation, stock-holders, and officers of the company.

One general law, covering every application for a charter, should be passed providing for the organization and government of corporations. This would give every man the privilege of taking stock in a corporation; and would place all corporations upon exactly the same footing, and thus carry out the spirit of our general principle more perfectly. If corporations were not invested with the full power of natural persons, still the interest of every person in them would be exactly the same, and thus far a perfect equality of power and privileges would exist between natural persons. This general law would save that eternal and ever increasing legislation upon applications for charters. It would enable companies to organize and proceed at once to work without waiting one or two years for a special act of incorporation; and would thus frequently prevent a delay and a diversion of capital to other channels and the defeat of many efforts to establish factories. This law should provide for the election of a president, a board of directors and other officers by the stock-holders. To authorize any company to take the benefit of this law, the stock-holders should be required to file in the circuit court clerk's office a list of their names, the style of the company, the names of the directors and other officers, the amount of stock paid in, and a subscribed copy of the proper oath of the stock-holders, directors and other officers and on them to obtain a license from the clerk. A notice of every change in the officers, and a copy of the oath, and a notice of every transfer of stock, should be filed in the same way. Every original stock-holder being bound for his portion of the dividends, in all cases of transferred stock, the same rule should be applied. If all this was not deemed sufficient security for the public, then one step further might be taken. To make

up for the loss of broken companies, the State might require of such as were successful, a tax of some amount upon the dividends or net profits, to be placed in the Treasury and applied to the payment of debts against broken companies.

Under such an act, the public and the stock-holders would all be safe. And every man, poor or rich, who had any money, could take stock; if not a whole share at least a part of one; and from fifty or one hundred, to one hundred thousand dollars, and get his dividends in proportion to his stock, and be responsible for the debts of the corporation only in proportion to his dividends. The company of course would be liable to the extent of its property and capital stock as long as that could be found; and this should be exhausted before proceedings were taken against the stock-holders for the dividends drawn from the company.

What has been said of corporations for manufacturing establishments is equally applicable to corporations for most other purposes, as for mining, agricultural pursuits, and other employments; and the privileges extended to manufacturers should not be denied to other pursuits. The great leading feature in our system of government, is that of making every law operate alike upon all, and granting exclusive privileges to none. A corporation is a mere agent of natural persons, and being so, there is no good reason for giving it either less or more power than its principals have. To give it less is to deny its principals powers which others exercise; and to give it more, is to bestow on its principals privileges which other people do not enjoy.

The political influence exercised by bodies or combinations of men, wielding heavy capitals and controlling many voters, is usually dangerous to the interests of the country; because it is the influence of the few against the many, of wealth against poverty; and this is a permanent and substantial objection to all corporations; but not one that should be fatal to them; yet an objection that should be obviated as far as practicable. This can be measurably done by adopting the system of voting by ballot.

—the difference in progress in schools even on the same plan and in the same section of the country—the difference in the manners and morals and general demeanor of the students of the different schools—all these things are evidences of the great superiority of some teachers over others. It is not always entirely so, but this difference is generally the result of superior preparation on the part of the teacher himself, in the business of imparting knowledge, and governing a school. In other words, teaching is a business or profession that can be taught to others, and although it may not be practicable to make all men equal as teachers, yet, all can be made better by proper training in the best mode of imparting knowledge and governing a school, than they would be without such training.

The next important feature in our system is that of making the senior members of our school teach the junior. This is old, well tried, and has and must always be successful when properly used. In our combined plan, its advantages would be thribble. In the first place, our teachers, the senior members of the school, would review their own studies while instructing their juniors, and improve themselves as rapidly as if devoting the time to their own studies.—This is a fact, to which every man who has taught a school can hear ample testimony. In the next place, they would teach any number of junior members without cost for teachers, except a general superintendent to direct as to the proper plan of imparting instruction and governing the school. In the third place, the senior members in teaching the junior, would acquire the habit, under the best instructor, of imparting knowledge and governing a school, in the most successful manner. This would complete his preparation as a teacher. Then, our school would give him the knowledge, the proper manner of imparting it to others, and the best mode of governing the common school; and all these would be advantages of the highest consideration; and they deserve well the attention of the legislature.

The third feature of our plan is the manual labor system. This is old too, and if not always successful, it is

only because the principle has been abused. Every fair test of it by the proper persons is bound to succeed. That some men can make their bread, their clothes and money enough to pay expenses of tuition, by laboring one-half their time, is a proposition that no sensible man can deny; and a man who can not do this, has no business in a manual labor school. Every boy should be taught to work, and known to be willing, ready and able to do so, before the thought of sending him to such a school is entertained. Every idea of sending children to such a school to be trained to work, that is, to be exercised in order to give them the strength, the inclination and the physical ability to work, must be utterly discarded. Such a school is not intended to be a gymnasium; but an institution where labor is freely given and properly directed, and by men already inured to work, in order to make their expenses while acquiring an education. It is intended to be a self-supporting machine. To carry out this intention, every prop should be able and willing to bear its own proportional share of the burdens of the school—of the weight of the fabric—and the students are the supporters of the school—the props and pillars—and must be of good material or the school fails.

Manual labor schools may fail by the use of an improper, or an unprofitable kind of labor. In all that have come under my knowledge, farming has been the principal labor. This is an error, and, although not half so great as that of sending children to be taught to work, yet it amounts to nearly a capital error. In our country of all the implements of labor, though the most useful, necessary and meritorious, yet the plough is one of the least profitable, as we manage it. Almost every thing else pays better.—Then farming is not the proper business. Besides this, in our climate, most men should work altogether in the sun, or else altogether in the shade. Half the day in the sun, and half in the shade, is a very unfavorable division of time for both the health and comfort of many persons; and these two matters—the health and comfort of the students—must be well attended to make our institution work well. A

farm ought to be attached to such a school, and such members as preferred to do so, ought to be permitted to cultivate it, but rather as an experimental farm, one to teach students the business of farming, than one to support the school.

But even at farming, well conducted, a man ought to make his bread and clothes and money enough to pay any reasonable tuition fees by working half of each day. But manufacturing and the various mechanic arts should constitute the principal business of the manual labor part of our institution. They would be carried on in the shade, would be more profitable to the institution and less injurious to the clothing of the students, the largest item of expense in such a school. In such employments, laboring half of each day, the students of such a school would make all of their expenses, and a handsome profit in addition.—The adoption of this character of labor too, would help to prepare the way for the establishment of manufactories and other mechanic arts everywhere throughout our State, and tend rapidly to produce that division of labor in our country which is so essential to the promotion of our prosperity and happiness, and which is elsewhere recommended to your consideration.

After much reflection on the subject, it seems to me, that the plan proposed combines the elements of success. The officers, instructors and students are interested in the profits of the institution. This would give them the same interest in the success of the laboring department that would operate upon laborers of any other class working for themselves. If then others have succeeded in manufacturing, our institution should succeed also in a ratio proportioned to the time employed in laboring. Of course the best machinery must be used, and this will largely increase the construction of fabrics and greatly improve their quality. And the utmost skill and science must be applied in all their operations, and this must also improve the quantity and quality of their fabrics, and greatly enhance the profits. A large portion of the business of teaching will be done by the students themselves; and while they are improved by perform-

ing this service, most of the expense of procuring teachers will be saved to the institution. Everything will be done on extensive scale, and in every instance the amount of expense to the students separately, as compared with smaller establishments, will, therefore, be much diminished.

The advantages to the country will be great. The education of two or three young men annually from each congressional township, would itself be no inconsiderable matter. Giving to every school a competent teacher, would save the necessity, first, of imparting errors; and, second, of employing other teachers to correct them; and, third, save any lapse of a term for want of a teacher. The education of all the children of the country, without expense to their parents or guardians, for teachers, would be an incalculable advantage. The introduction of manufactories into the State, perhaps many years in advance of their establishment to any great extent in any other mode, and the supply of every part of the State with all sorts of the best mechanics, would be an advantage but little less important than that of sending the schoolmaster into every township. The division of labor that would be produced, would enhance the value of every thing we are now selling, and diminish the cost of all that we are now buying.

If the school proposed should fail to prepare the men to figure in the higher offices of the government, and to fill the learned professions, it would at least prepare the best material for the thousands of smaller offices and vocations in which the mass of the people have a much deeper interest. And it is not vain to say that many geniuses from the humbler walks in life, after passing through this working school, would be found inventing new machinery, improving old inventions, and even contending, and successfully too, with the graduates of our colleges and universities in many of the arts and sciences, and even for the higher honors of the State. The morals, the manners, the intelligence, the social intercourse of the whole population of the country would be improved, and their happiness and prosperity greatly enhanced.

Such would be some of the advantages; and all this

would be done, the institution once put fairly under headway, without further expense to the public. Instead of an expense, it would become a supporter of the public, besides its many other advantages, especially in teaching all our children without charge to their parents for teachers.

It may be urged that it would require some time to produce these results. This may be true of some of them; but still these results ought to be produced, and if we fail to begin the work, our neglect will evidently not hasten the accomplishment of the important objects in question.

But one objection can exist to immediate action in favor of this or some other plan of schools. This is the want of funds to put the machine in operation; but our citizens have more than patriotism enough to obviate this. A plan can be proposed to raise the funds required without imposing any burthen upon the community to be complained of even by the most querulous and fault-finding. That plan, dissimilar as the two subjects may appear to be, is the connection of our school with a necessary and proper military system, and the application of the military fund to the support of this school.

Under our old militia system, each able-bodied, free, white male citizen, between certain ages, was required to perform four days of service in every year. At the season for training, the man and horse ought to have been worth one dollar per day. Our militia numbered about 60,000, and, at four dollars per head, the service was a tax upon them of 240,000 dollars annually. And yet this tax, or this loss of time, or this militia service, is admitted by all to have been worse than useless; and still it was submitted to, and but few complained; and if we were threatened with war again, ever so slightly, the country would submit to the re-imposition of this service, and double the amount, most cheerfully. The last legislature abolished this system. But they went too far. They virtually left no substitute. This was an error. The system adopted would have operated beautifully, and most beneficially, had it not virtually exempted everybody from the performance of military duty. This

was done by making the commutation or exemption fee, as it ought to be called, so small that it is found next to impossible to enlist men for a home volunteer company, only six or eight having been organized under the law, and these small companies, seldom reaching much above forty privates. It operates then as the destruction of the whole military system. This is what probably no government ever did before. And in any government it is most clearly an error, and one of great magnitude. We may always do right, and let our neighbors and all the world alone, but it does not follow that all the world will do right and pursue the same course by us. The only remedy for this evil—the only mode of raising a military force under the law—is to increase the exemption fee. If this were made one-fourth of what it used to be, no patriot would murmur, as it would be necessary to insure a competent volunteer force for the defense and protection of the State. We ought to have at least one volunteer company to each county, and in some a greater number. And any ground of complaint, if such a thing could exist, would be greatly diminished if this exemption fee, or the military fund, was applied to the establishment of the school proposed; because this would be a suitable and proper application, not only because it would prepare the way to educate all the children of the country without expense, but because it might be made the best application for military purposes also; as in this school a common military education—at least a knowledge of the discipline and a good training—could be taught to the students, as a matter of pleasure and amusement, of recreation and exercise in the open air—a mere release from their labors. And, having learned the discipline at this school, and afterwards becoming teachers in the country, they could train the boys in the common schools in their hours of recreation, and thus give every youth an idea of the discipline, better than has ever been imparted at the military trainings under our old system. After this system was once fully in operation, then the exemption fee would no longer be needed to support our school for teachers; but still it should not be abolished, unless some

other efficient mode could be adopted of keeping organized a sufficient military force, without which no respectable government has ever existed. If the whole military system be abandoned, then we shall lose the manner of organizing a military force, and even forget the very outlines of the discipline; and in this condition, the time may come when advantage will be taken of our imbecility and total destitution of military knowledge. This would be a worse condition than that under our old system; and one strongly to be deprecated by the country.

This is the best plan that has occurred to me of raising the funds for the school proposed.—When, in my last message, a change of our militia system was recommended, it was no part of my intention to propose the abolition of the system. The adoption of that course was unlooked for and took me unprepared and by surprise. It can hardly be true that the people of the State are in favor of having no military force; not even a respectable number of good volunteer companies, organized and ready to meet an emergency. A people wholly unprepared to meet danger, invites incursions from their enemies; and no man can tell how soon we may have a visit from our foes. We are surrounded by the material to make enemies; and in great numbers; and we should not place ourselves in a condition to invite their frequent visits. To abolish our militia system would soon make us as much the prey of the neighboring Indians as the Mexicans now are.

The funds to commence such a school might be raised in another mode. The teachers proposed to be prepared are for the use of the township schools. These townships have school funds which are generally bearing ten per cent. interest. If any number of them chose to do so, they might be authorized to combine their funds for the purpose of putting the school proposed in operation. It might be commenced on a small or a large scale, as the means at command happened to be more or less. Or the two funds might be united as far as the townships should deem it to their advantage to encourage such a school. If it once had

a fair beginning, the active and energetic young men that would flock to its support, would soon make it what they pleased, and as extensive as it ought to be.

MILITIA LAW.

In addition to an increase of the exemption fee above recommended, two other slight amendments should be made in the militia law. In the change from the old system to the new, the officers in commission went out of office with the expiration of the old law, and nobody was left with authority to hold elections and certify returns. To remedy this, it is suggested that any sworn officer, civil or military, might be authorized to hold elections and make returns. The form of the return should be prescribed and published with the law. The law is further defective in not requiring musicians to give bond for the safe keeping and return of their instruments.

The military fund for the last fiscal year was \$2,699 36. The law was not then in full operation. Of this sum \$1,749-26 have been expended. To the latter sum should be added \$248 08, allowed collectors for commissions and delinquent lists. This would leave a balance of the fund of \$702 02 unexpended.

The military fund for the next two years may be estimated at \$12,000. No estimate can well be made of the amount of expenditures. That will depend upon the number of volunteer companies organized—the number of books of discipline, and musical instruments purchased being in proportion to the number of companies. Without a change in the system to increase the volunteer force, the expenses may not exceed those of the last year. Unless bands of musicians are organized, even the services of a chief musician and assistants may be dispensed with. In fact, without an increase of the exemption fee, the system may wholly fail, and every remnant of a company be disbanded. In this case there would be, necessarily, no expenditure of the military fund.

The small amount expended, in the last year, was not so much from a disposition to economize, as from the want, first, of a legal mode of holding elections and certifying returns; and, second, the want of a provision in the law requiring musicians to give bond for the safe keeping and return of their instruments. A few more companies might have been organized; but in consequence of the defects pointed out in the law, it was deemed advisable to organize only enough to test the character of the system, and to leave the matter to the legislature to amend or change as to them seemed proper. It is respectfully asked, if deemed necessary to do so, that the few elections that have been held may be legalized, and the companies continued in force.

As far as the new system can be made to work at all, it will evidently work well; but every man being virtually exempted from the performance of military duty, and little or no inducement offered to any to join or organize companies, of course there must be much difficulty in making the system work at all. The only inducement offered, is the band of musicians given to each company, which the young men of the cities, towns and villages may sometimes wish to organize; but this is not a sufficient inducement to raise and organize and keep in existence a force to defend and protect the State.

Under the old system fines and penalties were inflicted for not performing service. Men and officers were forced to attend parades, to drill and perform other duties, and in case of failure were dragged before courts martial, and made amenable to the law. Under the new system, the small amount of the exemption fee, the earnings of an hour's labor, the whole of four half dimes, is a virtual invitation for every man to refuse to perform any military duty. This cannot be wise, and it was certainly no part of my intention to advise such a measure, and in view of the evils that may befall the State from its adoption, it is deemed a duty here to enter my protest against the measure. It is believed that almost every nation, from the beginning of the world up to this time, has kept some sort of military force, constantly

organized and ready for use. It is not in the power of man to tell when an emergency may, or may not arise, calling for the services of such a force. As before suggested, our State, is surrounded by the material to make any number of the most dangerous enemies; and in disbanding all our military forces we tender them a standing invitation to make regular inroads into our territory. Within the last few years, and with forty companies organized along and near our borders, and for the especial purpose of frontier defense, we have been threatened with invasions from the Indians. With a proper view of this subject, the people cannot and will not complain of a necessary effort to place them on a footing of safety.

SECURITYSHIPS.

In my message to the last legislature, the evil consequences of indorsing and becoming surety in private transactions, was referred to your attention. Further reflection has strengthened the opinion that some legislation upon this subject is greatly needed. The practice brings ruin upon the kindest and most obliging men in the land, and subjects their wives and children to want, wretchedness and misery. Many refuse to indorse, and of this class are those who are generally the most able to become sureties—those who have no favors to ask, and therefore, refuse to grant any—and the refusal of one half of the community to indorse at all, makes the burthen greater upon the other half, and the danger more imminent. In the case of a failure, an indorsement is of but little value, because the name of the man who will indorse at all is found upon the paper of all his neighbors, and a failure involves him many times beyond his means to pay. The law requiring sureties of the Treasurer to take an oath that they were worth so much after their liabilities were paid, had to be repealed, because, among those men who would endorse at all, very few could take an oath that they would be worth anything after all their liabilities were discharged. So the practice may have the effect of entangling hundreds and thousands in difficulties and without

being of any great service at last. The only remedy suggested in my last message was to apply the law to indorsements which applies to the disposal of real estates, in other words, to make the consent of a wife necessary to legalize an indorsement. This provision would have its advantages and might be one step towards a remedy for the evil. It is not possible to make everything perfect in the first effort.

THE WOMAN'S LAW.

The foregoing proposition has been considered by some equivalent to the law proposed for the benefit of married women. This is not my opinion of it. The proposition in my last message was to prevent the sacrifice of a man's property for the debts of others, and was thus, in effect, a law for the benefit of married women; but it proposed no change of the rights of property, and no division of property between husband and wife. The law for the benefit of married women, as it has been called, proposes a separate and distinct property in the husband and wife. My proposition is to keep their interest united. No law dividing their interests in anything could get a recommendation from me. No general good could result from a law creating a separate property in the wife. Such a law would make it necessary to manage two estates instead of one; and that would require two managers instead of one. Every bachelor is constantly told that he should get a wife to manage his house-hold affairs. Nobody can doubt the correctness of this advice; and if such a law as that in question should be enacted, then while the husband and wife would be managing their estates separately, each would need a house-keeper as much as the bachelor, and, if they happened to be blessed with plenty of children the husband and wife would need a housewife each much worse than the bachelor having no children. A separate property would change the character of the wife. In the management of her estate, she would lose the woman, and become in character a man. All that was soft, and tender and endearing would vanish, and she would grow

sturdy, obstinate and masculine, as is the case where affeminate husbands surrender the reins of government to their wives.

INTEREST.

The last legislature passed a law reducing the legal rate of interest from ten to six per cent. This law is doing as much for the welfare and prosperity of the country as any that could have been enacted. There seems to be one united expression in its favor all over the State with the exception, perhaps, of a small portion of the money lenders themselves, but even the whole of them do not complain. It is much to be regretted, however, that a few of the latter class are engaged in evading and setting the law at defiance, by still demanding and receiving ten per cent. interest upon loaned money. As good and moral men they do not look upon such an evasion of the law of the land in its proper light. If the poor wretch whose children are starving, takes bread to which he is not legally entitled, the country deals with him in the harshest manner. If this be the manner of treating the poor for taking what the law forbids, the rich, whose coffers are full of money, and whose children have never wanted bread or suffered with cold, should not go unrebuked for taking what the law does not entitle them to. If we are to look for examples of good morals and obedience to law in any class of citizens, we have a right to expect them from that class whose necessities have never driven them from the paths of honor and rectitude—from that class who err, when they do wander from the paths of virtue, not from penury or want, but from a natural propensity to vice. It is believed by some that no good man can willingly disobey the laws of his country, knowing what they are, whether good or bad; and surely, every good law should have the warm support of every good citizen.

HOMESTEADS.

Of a piece with these laws, is that exempting from sale under execution, the homestead of the poor man. From

my earliest recollections wisdom and humanity have seemed to me to unite in recommending such a law in the code of every nation. It is apparently a small matter but a most important one to the large mass.—The father and husband may be a sot and a spendthrift; or he may have lost all from fires, shipwreck or other visitations of providence; or he may have been unfortunate in trade, and in every case broken down with age, distress or disease; or he may have sacrificed all by too generously indorsing for friends and he may still be in debt. To labor in such a case, under our laws, is nearly a hopeless task. If a man makes, at any time, more than the law exempts from sale under execution, it is liable to be seized, and sacrificed—sold for half—a fourth or a tenth of its value, and this would be no benefit to the creditor, and therefore, every man would refuse to make such a surplus, and thus his labor would be lost to himself, his family and his country. But if the man had a home that was his own, he could work upon that—his location would be fixed—his creditor would know where to find him—and the payment of his debt would be rendered more certain.

The interest of the country is more advanced by such a law than even that of creditors. Almost every man, however badly broken down in fortune and in energy, has a family young and strong. These would lend a willing hand to improve their home. They would build fences, erect houses, plant trees, dig wells, make gardens and all other useful and necessary improvements. They would give value to the poorest place, and make it a comfortable and happy home. The wife and children of the greatest sot, would soon make a comfortable home, if assured that their labor would not be sacrificed to pay for the dissipation of the husband and father. The law of the last session is the first step towards the accomplishment of this good and humane object. That allows "each head of a family" "to select and hold exempt from execution," land "not exceeding in value" "one hundred and fifty dollars." Although this is the best beginning, yet there is a defect in the law, which may prevent it from doing the greatest good. The home should be

reserved to the poor and the broken down and to encourage him and his wife and children to work; to improve, to rear houses and to plant gardens and orchards. Now if the land be worth one hundred and fifty dollars when reserved from sale, after the improvements have been made, and the orchards have grown up, it will be worth three hundred dollars, and this increase of value will subject a portion of the land to sale again. Then, under this law, to keep the whole of his land this man must refuse to improve it, and must cut down his orchards to prevent them from growing and increasing the value of his home. This should not be the policy of the law, is surely not the interest of the country or of creditors, nor is it in accordance with the principles of humanity. This law should be so amended, that no part of a piece of land once reserved from sale under execution, should afterwards be exposed to sale in consequence of an increase of value. This is deemed a most important law, but the amendment suggested would be one of its best features, and its adoption is, therefore, recommended.

EVIDENCE.

It has often occurred to me that much trouble and expense might be saved in many suits by a very simple amendment to the law of evidence. That amendment is to allow either party, in all civil suits, to call upon the other to testify, and in case of refusal to let the other testify, as is now done in justices' courts. Such an amendment would not only save the expense of witnesses in many suits, but would also advance the ends of justice by allowing parties to testify in cases where the facts are known only to themselves. If it be good policy to continue this rule of evidence in justices' courts, it would seem to be equally good to extend it to the circuit courts. The rule which is good in the courts for one class ought to be equally good in the courts for another class, and where it happens to apply in both courts to the same class, it ought to be equally good. It has been said that such a rule would offer temptations to commit perjury; but if this

be a good objection to the rule as applied to the circuit courts, it ought to be equally good in the justices' courts; because the poor, who deal in small sums, and who are mostly the subjects of the justices' courts, are perhaps as liable to commit perjury as those who deal in large sums, and thus become the subjects of the circuit courts. But we have rarely ever heard of a case of perjury, under that rule in one of our justices' courts, and it would be quite as unreasonable to expect cases to occur in the circuit courts. It would seldom thwart the ends of justice. If one party should risk his case to the evidence of the other, it would be because he had confidence in his witness, or because his case would be gone without his evidence, and nothing better could be done. If a party is willing to swear falsely, the sooner that fact is known the better for the community; and as for himself it matters but little as far as his prospects for the next world are concerned, because God Almighty would know this inclination to swear falsely, whether he was called upon and did so or not, and he would probably punish him as readily for the disposition to swear falsely, as for the false swearing itself. The fear of a case of perjury or of causing men to be punished in the world to come for committing the offense, should not deter us from adopting this rule of evidence so necessary to save expense, and in some cases to advance the ends of justice.

PUBLIC DOCUMENTS.

Several public documents are referred for your consideration. Among them are some resolutions on the subject of a rail road to the Pacific Ocean. This subject merits your particular attention. The route of the road is one of deep interest to our State, and the manner of constructing it one about which we should not feel indifferent.

EUROPEAN STRUGGLES.

Every friend of freedom must rejoice at the struggles made for liberty by the people of Europe; yet so many inter-

ests are at work, and such a variety of feelings are prompting the movements in progress, that no reasonable calculation can be formed as to the final results. As for Ireland—down-trodden and oppressed as she is called—her struggle seems to be over, and our deep anxiety for her success has been sadly disappointed. But there is yet hope. The principle of democracy is growing in every enlightened corner of the world and receiving constant accessions of strength. If France succeeds in making a permanent republic, that government and the United States, if Ireland should still insist upon her liberty and the right of self-government, should unite in a friendly petition to Great Britain on that subject. A petition, for such a purpose, and from such a source, in the gentlest tones and most courteous language, would fall upon the oppressor as a voice not to be disregarded, but to be respected. Such a movement might make the British government tremble; because half of her own population would be ready to rise in favor of freedom, when countenanced by two of the most powerful nations of the earth. If such a petition should not be respectfully considered, or if the liberation of Ireland should be refused, then would be the proper time to talk of other measures; but while kings are sustaining each other on their thrones by money extracted from their millions of oppressed subjects, the common people of the world should walk “shoulder to shoulder” in asserting and sustaining the rights and privileges to which the king and the beggar are equally entitled. A combined effort, among free governments, if France should be finally successful, would soon make the world democratic.

In the conclusion of my first address to the Legislature, it was stated that an oath had been taken “to support the Constitution of the United States and of this State and to demean myself faithfully in office;” and the opinion was then expressed that the obligations of that oath were fully appreciated, and the importance of the duties fully understood; and a further pledge was given “properly to observe the one and faithfully to discharge the other,”—properly to

observe the oath and faithfully to discharge the duty. It is believed that, that pledge has been redeemed; and with an easy conscience and a right good will the affairs of the government are now turned over to my successor, with the hope that the voyage may be smoothe and pleasant while he holds the helm—that he may steer clear of bad men—that the legislature may not improperly embarrass him—that the press generally may do him justice—that God Almighty may smile upon his administration, and that the people may be prosperous and happy.

JOHN C. EDWARDS.

JEFFERSON CITY, DEC. 26TH, 1848.

VETO MESSAGES

TO THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1845

From the Journal of the House of Representatives, pp. 205-209

CITY OF JEFFERSON, January 13, 1845.

To the Honorable, the House of Representatives:

Gentlemen—I have examined the bill entitled “An act respecting the northern boundary of the State,” and, after mature reflection upon its provisions I am forced to the conclusion that I cannot approve it. In this case, the constitution makes it my duty to return the bill to the House in which it originated, with my objections.

This bill is passed in pursuance of an act of Congress, entitled “An act respecting the northern boundary of the State of Missouri,” approved June 17th, 1844. The first section of this act of Congress, provides for the appointment of three commissioners “to ascertain, survey, and mark out the northern boundary line of the State of Missouri.” The fourth section provides “that this act (of Congress) shall not go into force until the legislature of the State of Missouri shall have assented to the same, and agreed to abide by the award of said commissioners, or any two of them, as final and conclusive.”

In compliance with this act of Congress, the bill before me declares “that the provisions of an act of the Congress of the United States, entitled ‘An act respecting the northern boundary of the State of Missouri,’ approved 17th of June, 1844, are hereby assented to on the part of the State of Missouri, and the State of Missouri agrees to abide by the award made by the commissioners appointed in pursuance of the said act of Congress of the United States, or any two of them, as final and conclusive.”

It is clear to me, that the Legislature has no power to give the assent of the State to that provision of the act of Congress which makes "the award of said commissioners, or any two of them, final and conclusive" on the State, because said commissioners may decide the line to be where our constitution never intended it to be; and if the power to rest so important a case on the cast of a single die, without any chance to appeal from an erroneous decision, was vested in the legislature, then I should unhesitatingly say, that in a case as just and as clear as that of the title of the State of Missouri to the boundary which she claims, the surrender of the right to appeal from an erroneous decision, to say the least of it, was an act of the most doubtful expediency; especially when such an amount of prejudice has been thrown around that case from misunderstanding its nature and character.

Our northern boundary is fixed by our constitution; and we had the undoubted right so to fix it. As it was fixed by that instrument, on the nineteenth day of July, eighteen hundred and twenty, the day of its adoption, so it remains fixed to this day; and no power on earth can legally change it, until the constitution is first amended. The second day of March, eighteen hundred and twenty-one, Congress passed the resolution admitting the State of Missouri into the Union, taking no exceptions to the boundaries prescribed in the constitution, but admitting us unconditionally, so far as boundaries were concerned; thus sanctioning the boundaries claimed in the constitution of the State, and vesting in the State complete jurisdiction over all the territory included within her limits.

The definition of our boundary, thus forms a part of our fundamental law.—This part of our fundamental law stands upon the same footing with all other parts of our fundamental law, and can be changed only as other parts of the constitution can be changed. Any change must be made by a convention of the people, or by a vote of two-thirds of each branch of the legislature, at two successive sessions. The legislature, by an ordinary act, cannot change

the constitution, or authorize anybody else to change it, or give the assent of the State to any alteration already made, or hereafter to be made, by any person, or any power whatever.

The tenure of our Judges is fixed by our constitution. For this reason, the legislature cannot alter the judicial tenure, or authorize any person or other power to alter it, or give the assent of the State to any alteration of the tenure made or to be made by others, unless it be done by a vote of two-thirds of each branch of the legislature, at two successive sessions. The boundaries of our State are fixed by our constitution also, and as permanently as the tenure of the judicial officers. The legislature, then, cannot change our boundaries, or authorize anybody else to change them, or give the assent of the State to any change made or hereafter to be made by others, unless it be done with the concurrence of two-thirds of each branch of the legislature, at two successive sessions. Any change made, must be made, not by a simple act of the legislature, but by an amendment of the constitution, either in convention, or in the manner prescribed in the constitution itself; and short of one or the other of these modes of altering our boundary, no power on earth can legally touch it.

Does this bill propose a change of the boundary? In so many words it does not. Does it authorize the commissioners to change the boundary? In so many words it does not authorize them. Does it pledge the assent of the State to an alteration of the boundary, if one should be made? In language the strongest and most unequivocal, it pledges the assent of the State to any alteration which said commissioners, *or any two of them*, may make, however unconstitutional, injurious and unjust, that decision may be. This bill surrenders every right of appeal, no matter how erroneous the decision, and makes the award of the commissioners, or any two of them, final and conclusive" on the State. This, it seems to me, the legislature has clearly no power to do; and if not, this bill is unconstitutional, and so I consider it.

But, besides the constitutional objection, there are others, to the expediency and propriety of the bill. It gives the assent of the State to the provisions of the act of Congress. The act of Congress does not require the commissioners to ascertain the boundary as prescribed in the constitution of our State. "The commissioners, or any two of them," may decide that the act of Congress authorizing the people of Missouri Territory to form a constitution and State government, governs the boundaries of the State. As ridiculous and improbable as such a decision may appear to be to a Missourian, yet it will not be considered a thing impossible on the part of the commissioners, when we reflect that, out of five reports on the subject, four of them have been based upon the error that the act of Congress governed our boundaries, and not the constitution of the State. It is true that the committee on Territories, at the last session of the last Congress, after full consideration, reversed this decision, and resolved "that the constitution of the State of Missouri governed the boundaries of said State." This, however, was the first decision ever made in our favor, except that made by our own commissioners, appointed to superintend the survey of the northern boundary, in eighteen hundred and thirty-six.

But the objections to this act of Congress do not stop with the failure of that act to require the commissioners to give us our constitutional boundary. It does not even require the commissioners to act under the obligations of any oath, but leaves them at liberty to fix the boundary wherever whim or accident may happen to direct them to locate it. They are not even required to take the act of Congress for their guide, much less the constitution of the State, but may take the one or the other, or neither; and may make an "award" or a compromise of the matter, as they choose.

The bill before me attempts to remedy this defect in the act of Congress, by providing an oath for the commissioners to take before entering on the discharge of their duties. But it seems to me, if we can prescribe an oath at all under the act of Congress without dissenting from its

provisions, that we can enforce that oath only on our own commissioner. If we have the power to qualify our commissioner, then it follows that Iowa has the power to qualify her commissioner. If we have the power to prescribe an oath for the third commissioner, then Iowa has the power to prescribe an oath for him also. To which power will the third commissioner render obedience? To the State of Missouri or the State of Iowa? He will be at liberty to choose.

The oath prescribed in this bill is defective. It simply requires the commissioners "faithfully to discharge the duties" of their offices. As it is true, beyond any sort of doubt, that our constitution governs our boundaries, the act of Congress should have required all the commissioners to take an oath to support our constitution. Congress should not hesitate to give us that to which we are clearly entitled. If we prescribe an oath of our own commissioner, he should be required to support our constitution. It is the usual oath. A failure to prescribe it may be taken as a sort of license to disregard the constitution. If Iowa prescribes an oath for her commissioner, she will, almost as a matter of course, require him to support the constitution of that State. If she does so, then that commissioner is sworn, before he enters upon the discharge of his duties, to give us the old Indian boundary line, as our northern boundary line; because the constitution of Iowa calls for that line as her southern boundary; and thus this commissioner swears in the outset, to give us a boundary, which everybody else who knows anything about the matter, admits is not our northern boundary line; or else he will push our line down to the middle of the "Des Moines Rapids," in the Mississippi river, as the only point below the "Rapids of the River Des Moines" where our boundary could rest.

What oath the third commissioner may take, is doubtful. He will be under equal obligations both to Missouri and to Iowa. If each exercises an equal influence over him, then he may take an oath to support the constitution of Iowa, and the oath prescribed in this bill, "faithfully to discharge the duties" of his office, also. Men may well differ

as to what constitutes a faithful discharge of the duties of their offices. Being a citizen of another State, the third commissioner may think it well to satisfy all parties to some extent, by making a compromise and preventing any collision between the States. He would be under no obligations to give us our constitutional limits.

These difficulties, which do in part already exist, and all of which may exist, render the probability of a correct decision by the commissioners, extremely questionable; and, therefore, we should not agree to make the "award of said commissioners, or any two of them, final and conclusive," nor should Congress require us to do so. They should give us a fair chance, and every reasonable facility to arrive at truth and justice in the matter. We should claim nothing but our own, and surrender none of our rights, and none of the proper means of obtaining them. Our surest chance of success is before the courts of the United States, and this chance we should not surrender for any uncertainty. Here, although the courts belong to the party against us, yet the judges act upon oath, and they will examine the law and the evidence of the case, and decide accordingly. To facilitate this matter, perhaps the United States would make an agreed case with us, and let the matter be decided at once. Neither party could object to this.

Iowa is applying for admission into the Union. In her constitution she claims part of our Territory. Congress may decide this matter before she is admitted. We shall suffer but little in waiting for that decision. If it should be satisfactory, then the controversy will be ended. If not, then we must resort to the courts. In the meantime nobody can suffer much. No doubt every exertion will be made to preserve a good understanding between Iowa and Missouri, and to get the question of boundary settled amicably and without collision between them. No doubt, either will submit to the decision of any tribunal, properly constituted and qualified.

We are not losing by a little delay. We have run our boundary, and have it distinctly marked. There is no

other boundary which anybody, knowing anything about the question, pretends is the State boundary. We are in possession of a large portion of the disputed territory, and one of our counties is now actually represented in the Legislature by a citizen of the territory in dispute. The case is being better understood every day. We have the boundary surveyed—the language of the constitution is with us—all the evidence is in our favor—we are settling the territory rapidly—new maps are giving the boundary correctly—and correct information on the subject is disseminated everywhere. In this state of the case, we should not give our assent to any uncertain mode of deciding the question, so far as to make that decision “final and conclusive” on the part of the State. It would be a useless and an improper surrender of our rights.

I regret that I am compelled to return this bill; but I do it with less reluctance as each House has the power, under our constitution, of passing it by a majority of all members elected to that House, notwithstanding my objections.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1845

From the Journal of the House of Representatives, pp. 298-303

JEFFERSON, February 10, 1845.

To the Honorable, the House of Representatives:

Gentlemen—I have examined the “Memorial to the Congress of the United States, asking an appropriation for the improvement of White River;” and after the best investigation I have been able to give the subject, I am still unable to persuade myself to approve and sign it.

I regret this the more, because, in the first place, I have already returned one bill to the House; and, in the

second place, I am decidedly in favor of improving White River, and, therefore, do not wish to seem to be against it; but I doubt, first, whether Congress has the power to appropriate money to improve that river; and, second, if the power was clearly in Congress, I should then doubt the wisdom of asking the exercise of it.

Congress can exercise only such powers as are delegated. There is no dispute about the correctness of this proposition. Of the seventeen powers delegated to Congress, in the eighth section of the first article of the constitution of the United States, there is none expressly given to improve the navigation of White River, or of any other river. If, then, the power exists at all, it must exist as an implied power.

It has seemed to me that our great rivers might be improved under the war power. Congress has power "to lay and collect taxes, * * * * * to provide for the common defence * * * * * of the United States." As one means of providing for the "common defence," perhaps we have power to appropriate money to improve our great national highways. One thing is certain: a few hundred thousand dollars appropriated and faithfully applied to the improvement of the Ohio, the Mississippi, the Missouri, Arkansas, and Red rivers, would do more towards providing for the defence of the west, by opening these great chanel for concentrating troops, provisions, and munitions of war at the points exposed to attack, than forty millions expended on the army and navy in time of peace. The improvement of these rivers is surely a good mode of providing for the "defence" of the West, whether it be a good mode of providing for the "common defence" of the Union, or not.

Still, I have considered the appropriation of money to improve rivers, an unsafe exercise of power by Congress, because, in the first place, there is no clear grant of the power; and in the next place, as there is no clear grant of the power, there can be no well defined limits to its exercise; and the power is, therefore, always liable to be greatly

abused. After improving these great rivers, to use the language of the memorial, we have only "to make another step in this great work of improvement" to get to White River, the Osage, the Des Moines, Illinois, the Wabash, the Kentucky, and ten thousand other streams of greater and less magnitude, till we have rendered the internal improvement system of the United States, even worse on its magnificent and extended scale, than has been that of a sister State on a scale more humble and contracted; and debt and ruin, still more irretrievable, both to the government and the people, would follow as its consequences. It will be unwise in us to give encouragement to such a system.

If Congress has the implied power to improve the great navigable rivers, still there should be some limit to prevent the exercise of that power from extending to all the rivers of every class in the country. What that limit should be, it may be difficult to define; but it seems to me that the power has already been pushed far enough. I do not think Congress can constitutionally exercise the power of appropriating money to improve White River; because it cannot be necessary to do so, in providing for the "common defence" of the United States; the only source from which I can derive the power.

If the improvement of White River were necessary in defending the country, the memorial does not place the application upon that ground; but upon the ground that no "substantial and lasting improvement will, in any reasonable time be made upon this river, unless it shall be done by the General Government," and "that the energies of the people there must be chilled, and their hopes of future wealth and prosperity forever blasted" "without the aid of some protecting hand."

If the people interested in White River are not sufficiently numerous, or else not sufficiently interested to improve White River "in any reasonable time," this is not a ground on which Congress should undertake to improve the river. If it be true, "that the energies of the people there must be chilled, and their hopes of future wealth and

prosperity forever blasted," "without the aid of some protecting hand," then we should rise in our own might and go to work; but we should never tell so sad a story so far from home; because instead of operating in favor of improving White River, it will be used as an argument against emigrating to our country. The frightful stories which have been published in the papers, of the numberless steamboat disasters, and the danger of navigating western rivers, have driven back to their homes and fastened there, more emigrants than enough to have paid in the west a revenue equal to all the appropriations which have been made by Congress to improve western rivers. We have driven back the wealthiest and best emigrants. This has been wrong. We ought not to abuse our own country. It will always do us more harm than good.

If Congress had the power to improve White river, I should think it unwise in us to ask the exercise of that power. Taxes should be collected from the different parts of the Union equally. If Congress distributes money, it should be distributed equally. If Congress appropriates money, it should be appropriated equally. Congress can neither distribute nor appropriate money till it has been collected from the people. Every prayer to Congress for a distribution of money, or for an extraordinary appropriation of money, is based upon the presumption that Congress has heretofore collected, or will hereafter collect more money from the people than is necessary to pay the ordinary expenses of the government, economically administered. Every demand on Congress for an appropriation to improve a river, carries with it a demand on Congress to tax the people more heavily. This is wrong. If Congress distributes or appropriates money for extraordinary purposes, the surplus remaining, after paying the ordinary expenses of government, is the proper fund to be distributed, or thus appropriated. Of this fund, no State should ask or expect more than her proper share. The most rigid justice, and all that we could ask, as honest men, would give us back only that amount of taxes, paid out of our own pockets, over

and above what was necessary to pay our portion of the ordinary expenses of the United States. This is all that any other State could ask, or ought to get. If this rule were followed, we should then get back only what we had paid out, deducting first the ordinary expenses of the United States, and next the expense of collecting the whole revenue, and then the expense of refunding the part returned. Then we gain nothing, but we lose much by this operation; and if we could ascertain the expense of collecting money by the State to improve White River, and then the expense of collecting and refunding money by the United States for the same purpose, we could determine the amount of loss sustained by such an operation. Our best interests require us to do so. If we cannot reach the precise truth, we can approach it near enough to satisfy those who comprehend the subject.

The sum asked in this memorial is 100,000 dollars. If the State should undertake to collect this sum, it would be done, say for seven per cent., and this added to the first sum, would make 107,000 dollars. If collected by the United States, the expense to that government would be eleven and a half per cent., and that added to the 100,000 dollars would make 111,500 dollars—a difference of 3,800 dollars. But there is another difference. Over and above the per cent. paid by the General Government on the collection of revenue, the people of country pay an expense, in magnitude, infinitely greater. That expense is paid in this way.

The tax paid the United States is laid on merchandize imported from foreign countries. This tax is paid into the custom house by the importer, and after deducting eleven and a half per cent., the expense to the government of collecting the revenue, the balance goes into the treasury. Upon this tax and the expense of collecting this tax, the people pay a series of profits compounded, being the profits paid to the various persons through whose hands the foreign merchandize passes, on its way from the foreign manufacturer to the consumer in this country, the aggregate of

which is so nearly incredible, that but few can be made to realize it.

In the most usual route, the merchandize on which we pay this tax and these profits, passes, from the foreign manufacturer to the importer; from the importer to the jobber; from the jobber to the St. Louis merchant; from the St. Louis merchant to the village or country merchant; and from the village or country merchant to the consumer; and each makes his profit upon the tax laid upon the foreign merchandize, just as he does upon the cost of that merchandize, until we get to the consumer, who makes no profits, but pays the tax and all the profits upon the tax, and the profits multiplied upon the profits upon that tax.

I have heretofore estimated the profits upon the tax paid into the custom house, at ten per cent to the importer, twenty per cent to the jobber, thirty per cent to the St. Louis merchant, and fifty per cent to the village or country merchant. As times have grown tighter and money scarcer and more valuable, most men are now willing to work for smaller wages, or else do so from necessity; and among these we may rank the dealers in foreign merchandize. Then to suit the character of the times, let us reduce these profits one half; that is the profit to the importer, to five per cent; to the jobber to ten per cent; to the St. Louis merchant to fifteen per cent; and to the village or country merchant, to twenty-five per cent. Now, at these rates, let us inquire what tax, or expense, or burthen, by whichever name it may be called, is imposed upon the people of our State, in order to get this 100,000 dollars into the treasury of the United States, to be appropriated to improve White river.

The burthen upon the people consists of the profits paid upon the revenue and the expense of collection, to the various persons through whose hands the merchandize passes on its way from the manufacturer to the consumer. In this case the sum asked is 100,000 dollars, and the expense to the government of collection 11,500 dollars, and

the two sums 111,500 dollars, is the amount upon which the profits are paid; being, not the entire tax, but sufficiently near it to answer our purposes; and upon this we base our calculation. The whole tax must be paid into the custom house before the importer is authorized to sell the merchandize.

Being the first seller after the tax is paid, the importer makes the first profit in his sale to the jobber, and that is five per cent on 111,500 dollars, being 5,575 dollars; and these two sums added together, make the tax and the profits on the tax, amount to 117,075 dollars, being the whole cost to the jobber. The jobber makes the next profit, in his sale to the St. Louis merchant, and that is ten per cent on 117,075 dollars, being 11,707 dollars; and these two sums added together, make the tax and the profits on the tax, amount to 128,782 dollars, being the whole cost to the St. Louis merchant. The St. Louis merchant makes the next profit in his sale to the village or country merchant, and that is fifteen per cent on the 128,782 dollars, being 19,317 dollars; and these two sums added together, make the tax and profits on the tax, amount to 148,099 dollars, being the whole cost to the village or country merchant. The next profit is made by the village or country merchant in his sale to the consumer; and that is twenty-five per cent on the sum of 148,099 dollars, being 37,024 dollars; and these two sums added together make the tax and profits on the tax amount to 185,124 dollars; being the whole cost to the consumer.

This is the burthen imposed upon the people, according to this calculation, to enable the United States to appropriate 100,000 dollars for White river. If the expense of collecting the same sum by the State is only 7,000 dollars, then we suffer a clear loss, by asking the United States to tax us, to raise the money, of 78,124 dollars. This is an unprofitable operation for a people capable of self-government, and one to which I should very unwillingly subscribe. If this tax is paid by ourselves, then of course we ought not to submit to it; if paid by others, then it is very unjust in us to ask it.

This great disproportion in expense continues in the expenditure of the money, as well as in the collection. If the work be done by the State, the officers being at home, and immediately under our control, will work cheaper and more faithfully; if done by the United States, their officers and hands will charge from two to ten times as much and not work so faithfully. Congress cannot judge of improvements to be made so far from home. The members know nothing of White river, or Grand river of the North, or of the Des Moines, and before you can learn them anything, the old Congress goes out and a new one comes in. If they could learn, they would not, because they have business of more importance to their constituents, than the improvement of the secondary class of rivers, unless the United States should adopt a general system of internal improvements, and make it a business to go into a full examination of the character of that class of rivers.

But this 85,124 dollars is not the whole expense of getting back this 100,000 dollars for White river. There are several other items. First, the expense of our own legislature in passing the memorial to Congress asking the money. Next the expense of the struggle in Congress to get the tariff high enough to raise a surplus revenue to distribute. Then the expense of a second struggle in Congress to get a portion of the surplus appropriated to the improvement of White river. And if the appropriation is finally made, then the pay to the hungry officers who are sent by the United States to feed upon its expenditure. All these items may be estimated at 30,000 dollars more, making 125,124 dollars, the expense of getting 100,000 dollars for White river, being a total expenditure of 225,124 dollars. If a general system of internal improvements in the United States were adopted on the same scale, its operation in a few years would utterly ruin both the government and the people. If it be wrong as a whole system, then, as the parts are similar, it seems to me that all the parts are wrong; and we should not ask others to do for us, what we would be unwilling to do for them.

We should not deceive the people nor ourselves. The public mind should get right upon this subject. We should learn that Congress has no power to collect money to give away—that if Congress undertakes to give, she should give to all alike; that Congress cannot give us 100,000 dollars without first collecting that sum from us, or from somebody else; that Congress should not collect money from others to give to us; that Congress cannot collect that sum from us without inflicting upon us immense burthens in the collections; that it is cheaper to us to pay 100,000 out of our own pockets to improve White river, than for Congress to take it out of our pockets and give it back to us to improve White river; that if we are unwilling to pay 100,000 dollars for the improvement of White river ourselves, then it is unjust to ask Congress to make anybody else pay 100,000 dollars to improve it for us; that if we are unwilling to pay the money out of our own pockets to improve White river, then it is evidence that the people of the country are not yet ripe for that improvement, and that the expense of improving would exceed the profits of the improvement.

We should learn that although many may be unconscious of the tax imposed by the tariff to raise this money, yet that this want of consciousness makes this tax none the less oppressive and ruinous to those who are compelled to pay it. The most dangerous diseases are those which prey upon the vitals of man secretly, and without giving him notice of their ravages and of his danger. When diseases are known and understood, remedies can be applied and the diseases removed or healed. In all cases when the tax is unnecessary, we should be more careful to avoid an indirect tax, than a direct tax, because the expense of collecting an indirect tax, is so many fold more burthensome to the people than a direct tax. The indirect tax is a disease preying upon our vitals secretly.

I have another objection to this memorial. It will tend to delay the improvement of White river. I cannot for a moment persuade myself that Congress will undertake to improve the second grade of rivers through the

Union. If such should ever be the case, even then the small rivers of the West are the very last that will be improved. The prayer of this memorial I am sure will not be granted; but as we ask for an appropriation to improve White river, it will be natural to wait and hear the result of our application before we proceed to work ourselves. In the mean time we shall do nothing; and as I am decidedly in favor of improving White river, as soon as possible, any unnecessary delay seems to me to be wrong.

We have the means at our command to improve our rivers, and we should begin to collect them and go to work. Our interests require us to do so, and our constitution enjoins it on us as a duty. There is a proper medium between a refusal to do any thing in the way of improvement, and a wild and extravagant system of improvement; and this medium we should endeavor to adopt. Our improvements should keep pace with, but should not be suffered to run beyond our means, or our condition, or our wants.

If I am mistaken in the number of profits paid upon the tariff by the people of our State, that does not alter the principle for which I contend, even if the burthens upon the people be less than I have estimated them. But I am in fact far short of the reality, in my estimate of the impositions upon the people, but I have said enough, if I am right, and have made myself intelligible, to show the impropriety of this memorial, and therefore, do not urge further objections.

I must add that I have often expressed myself publicly and privately upon this subject, and especially during the canvass last summer. On the subject of the improvement of the Osage river, I was particularly interrogated, and gave it as my opinion that Congress had no power to do so, and would not appropriate money to improve that river; and on this subject my opinion has undergone no change. The fact that White river runs through two States, does not in my opinion change the nature of the case. There is nothing to prevent Missouri and Arkansas uniting in the improvement, unless Arkansas has no use for the improve-

ment. If Arkansas has no use for the improvement, we cannot expect her to incur the expense of improving it for our benefit. If we cannot expect Arkansas to do it, then much less can we expect Illinois, Indiana, Kentucky, and the other States to do it for us; even if it were true, that when Congress gave us 100,000 dollars for that purpose, it came from them and was not a tax upon ourselves.

Our safety consists in keeping the Treasury door fast and tight against all such appropriations. We should not ask others to do for us what we would not willingly do for them. We should be just to ourselves, and just to others, and act as men fully competent to understand their interests and to govern themselves.

I return this bill, then, because, first, I do not think Congress has the power to appropriate money to improve White river; and second, because, if the power was clearly delegated, then I think it would be unwise in us to ask Congress to exercise it.

I have the honor to be,

Very respectfully, your ob't. serv't.

JOHN C. EDWARDS.

TO THE HOUSE OF REPRESENTATIVES.

MARCH 26, 1845

From the Journal of the House of Representatives, pp. 536-540

EXECUTIVE DEPARTMENT, March 26, 1845.

To the House of Representatives:

Gentlemen—The tenth section of the fifth article of the Constitution of our State provides that every bill “shall, before it becomes a law, be presented to the Governor for his approbation. *If he approves*, he shall sign it; if not, HE SHALL RETURN IT, with his objections.”

The bill entitled “an act amendatory of an act to authorize improvements in the Penitentiary, approved February 28th, 1843, and an act concerning the government

and discipline of the Penitentiary, approved February 20th, 1843," has been presented for my approbation.

I have examined this bill with as much care and attention as the pressure of other business would allow me to bestow on it. The fifth section of the bill provides that "the improvements herein provided for shall be made after the *plan*, *manner*, and of the *materials* recommended in the report made by the committee on the Penitentiary at the present session of the Legislature." I have examined this report, and especially in regard to the "plan," "manner" and "material," with equal care and attention.

I do not approve the bill. If it were right, I should be glad to sign it, but the bill is wrong throughout. I cannot approve it. I am not merely indifferent, but I heartily disapprove the bill. In this case, the Constitution, and my oath to support that Constitution, commands me to return it with my objections, so that, if my objections are good, the Legislature may have an opportunity of reviewing their action.

One objection is this. We are in debt. We have just passed a bill to borrow seventy-five thousand dollars. Our revenue will not meet our expenses. The bill appropriates 33,000 dollars to build a *new* Penitentiary on the site of the old Penitentiary. It is answered that not one dollar of this comes out of the Treasury. Nor has one dollar of the 30,000 which we have just borrowed, and for which we are now waiting, come out of the Treasury; and yet if this sum be lost in the Missouri river, the members of the General Assembly will go home without their pay; and the Treasury will be as clearly loser 30,000 dollars, as if that amount had been stolen from it. Just as clearly will the Treasury lose the 33,000 dollars appropriated to the Penitentiary. There is so slight a difference between preventing money from going into the treasury which ought to go there, and taking money out of the treasury when it ought to stay there, that it is fair and legitimate to consider it all taking money out of the Treasury.

A second objection is, that the money appropriated

cannot be judiciously and profitably applied under this bill. The act to provide for building the old Penitentiary, authorized the appointment of two commissioners to superintend the work and gave them competent salaries. The work was then expected to be performed by good citizens and good workmen, who felt some interest in making a good job. And yet the State was unwilling to trust them without superintendents. In this case, the Inspectors have power to employ "some competent and practical mechanic to inspect and examine the work as it progresses," provided his services can be had for "three hundred dollars per annum," less than one dollar per day, and but little more than the wages of common laborers. Of course no competent man can be had for this sum, but the less competent the inspector, the better for the contractor.

A third objection. The contract will almost necessarily fall into the hands of the lessees. If so, the work will be done with convict labor. I do not know that any of the convicts are stone masons. From the Inspectors' report I see that none of them are now engaged in that trade. If there be any, I suppose there are but few, and I understand there are but few. The work then must be done with raw hands. Of course it cannot be well done. If they were good stone masons, having no superintendent constantly over them, we could not expect it to be well done. The convicts cannot be expected to feel much interest in making strong walls to secure either themselves or their successors. They would be more likely to leave places for escape. One of the old walls was pulled down a few years ago and a new one put up by the convicts. Last summer, one of the convicts picked a hole through this wall large enough to have escaped. The old walls were grouted, and, in part, pretty well put up.

A fourth objection. The bill does not provide the manner of constructing the prison walls. The walls of the old Penitentiary were required to be well grouted. This is very material in the construction of such walls. In this case the bill and report do not state whether the walls are to be laid up dry, with common mortar, or to be well

granted. This is a material defect, and varies the cost and value very much.

A fifth objection. The western wall of the prison is to be perforated with windows. As near as I can judge from the plan, they are to be from six to eight feet high, and from two feet and a half to three feet wide. They are to be eight feet apart, and to run the whole length of the western wall of the new Penitentiary. They are to be twelve feet from the ground, and to have large grates. These weaken the main wall; they form steps for getting out; they are low openings through which the convicts can carry on an intercourse with persons outside the prison; the grates may be wrenched out with strong wrenches; the bars can be cut asunder, and escapes effected; and worse, the windows will let in the whole blast from the northwest in the winter, concentrated, rendering the prison almost uninhabitable.

A sixth objection. The general plan is bad, or rather no plan at all. The old building was botched, and the new building is proposed to be more so. The old buildings were wrong in the old Penitentiary, and they will be much more so as long as they stand in the new one. The Warden's house is to be turned into a female prison, for which it never was designed, and for which it never will be fit. We had as well undertake to make a Penitentiary of the Capitol, as a suitable prison of the Warden's house. It will soon be found to be too near the centre of the yard,—too much in the way, and useless and necessary to be removed. The old block of cells will follow, if it does not precede it; and then the new block; and then shop after shop, till the old works are all gone. In the meantime the new works will be put up with reference to the position of the old works, and when the latter are all gone, it will be found necessary to begin to pull down and reset the new buildings. If we intend to build a new Penitentiary, it will be wise and proper to pause until we can select the best and most approved plan of building, so as to avoid the necessity of pulling down and putting up at every session of the Legislature.

A seventh objection, or a continuation of the sixth.

The committee has failed to adopt the modern and most approved plan of constructing the cells. This plan comprises three walls: 1st. the cell walls; 2nd. the wall around the block of cells; and 3rd. the prison walls. This I understand to be the plan proposed by the Inspectors. The committee seemed to have supposed they were adopting the plan of the Inspectors. This is unfortunately not so. By the plan of the wall of the new block of cells." See the report. This plan would place the western wall enclosing the new block of cells sixty feet or more east of the western wall of the new Penitentiary. I next quote from the report of the committee to show the discrepancy: "According to the plan proposed for the block of new cells, *referred to by the Inspectors*, (which is the most approved plan now adopted by many of the States,) the wall on the western front will be the extreme exterior of the cells, *or the wall which will form the base on the west side* for the roof over the cells to rest upon." It is useless to quote more, as a reference to the report will show the wall here referred to, to be the western wall of the new Penitentiary; and that the roof is to start from and rest on this wall. If so, the block of new cells reported by the committee, cannot reach the western wall of the old Penitentiary by sixty feet or more; and thus changes the whole plan referred to by the Inspectors.

An eighth objection. The block of cells is enclosed by two walls on the east side, and by but one on the west side. If one on the west side be sufficient, then one on the east side is also sufficient; but if two on the east be necessary, then two on the west is equally necessary; especially as the western wall is perforated with many large windows; and the modern plan is to double the walls all round.

A ninth objection. The material of the shutters to the doors of the cells is not specified in the bill or report. It may be of wood or of iron; and the doors may be double or single. And this is very material and the difference in cost very great.

A tenth objection. The cell floors are not described. They may be arched and made fire proof; or they may be

common plane floors; they may be made secure or they may be left insecure. It will not do to say that these things are understood. Our bill should provide for what is to be done. We have no right to expect any favors from the contractors.

An eleventh objection. The bill does not—and when I speak of the bill, I do in reference to its connexion with the report—the bill does not provide with what material the cells shall be covered. It may be with tin, or zinc, or copper, or shingles. Suppose the lessees should insist upon shingles; the Inspectors have no power to insist upon copper. The bill provides that “slight changes may be made in the plan;” but a change from a wooden to an iron door, from a shingled to a coppered roof, would be no slight change. It will not do to answer that the bill does not contemplate a wooden door or a shingled roof, when we are pulling down a bad Penitentiary and putting up a worse one. The bill should provide for what is to be done and not leave it to chance.

A twelfth objection. The roof of the cells rests upon the western wall of the prison. This will facilitate escapes. The wall may be ascended by the help of a ladder from the outside, in the night time—and by following the roof, a person may place himself immediately over any particular cell—and by raising the tin or shingles and cutting the sheeting, he may let himself easily down to the ceiling of the cell of the third story; then through the floor of that and into the second story; and then through the floor of that and into the cell of the first story; and so of the rest; working all the time out of sight of the guard, who walks the aisle below. The roof the cells should be unconnected with the outer walls of the prison. This error is a fatal objection with me; and the plan varies from that of the Inspectors.

A thirteenth objection. When the improvements proposed to be made are finished, a small mountain will be left on the inside of the new Penitentiary. No provision is made for digging this down, or for filling up around it. This will be the foundation for another job and another bill.

The fourteenth objection. No provision is made for

removing the old walls. This will be another job. The former lessees found themselves straitened for want of room. The Legislature authorized them to extend the southern wall. They did so, and never removed the old wall. That was standing when the present lessees took possession, and continued to stand, till they wanted the rock to put in other buildings. In this case, the old walls will probably stand till they go into a new set of buildings. Some provision should have been made for the removal of them.

A fifteenth objection. It is too soon to throw away the old walls and the old buildings. The original lessees did not expect such a thing. If they did, they have acted in bad faith to the State. They obtained, less than two years ago, a contract for raising the old walls, all round, seven feet higher, and at one place fourteen feet higher. For this contract a settlement has been made in the last two months. Members of the Legislature have seen a portion of the work done since the meeting of this General Assembly. It is hardly a figure, but almost literally true, is not absolutely so, that the mortar in the old walls is not dry before the lessees are asking to pull them down, and to be paid for putting up new ones. No, not exactly so. They are asking to be paid for putting up new ones and waiting for the proper time to ask to be paid for pulling down the old ones.

A sixteenth objection. Whenever a new Penitentiary is erected, a primary object should be to get an abundant and a constant supply of water. This never can be had where the Penitentiary now stands. I understand the amount of water now hauled, averages about twenty-five barrels or hogsheads a day. As the convicts increase, the amount of water required will increase. If the institution had a plentiful supply, it would be more bountifully used; and the plentiful use of it would contribute to cleanliness, health and comfort.

A seventeenth objection. This bill proposes a double expense. It provides for building a new Penitentiary, first,

and that is followed by the necessity of pulling down the old Penitentiary, second. To this may be added the loss of the warden's house, and such other buildings as would be of any use out of the Penitentiary. A primary object in extending the walls is to avoid fire. For this purpose, the buildings should be as remote from each other as possible. Hence one urgent necessity for pulling down the cluster of old buildings, when the new Penitentiary is erected. To avoid fire, there should be plenty of water too. The old buildings must all go when the new Penitentiary is erected.

I object to the location; but I will not urge that objection. I am personally interested in that. This interest may tincture all my other objections; and, therefore, you should receive them with proper allowance. I have opposed the location from the outset, for various reasons; some personal to myself, and some in reference to the town and the State. The want of water, however, is a fair and a valid objection to the present location. Constant water might be had on the square below and near the river, and better ground for building. The present site is a bad one. No doubt about that. It would be difficult to get a worse one.

The number of cells in the Penitentiary is too limited for the number of convicts. This is an argument in favor of building a new Penitentiary; but the present cells can be easily divided into two; and each will be larger than those of the cells proposed in this bill, which are to be only seven feet by four and a half. The extension of the rope walk is another argument. This is not of much force. Only forty-five feet can be added to the walk by extending the walls. These two advantages gained do not justify an appropriation of 33,000 dollars. Nothing will justify it, but building on a good site, and on a good, permanent, and durable plan; and even that will not justify it till we are out of debt and can raise revenue enough to defray our ordinary expenses.

I regret the late hour of returning this bill, but that is a matter which could not be avoided without neglecting other business of more important character. I regret the necessity of returning it at all, but the constitution seems

to make it an imperative duty which cannot be waived, except where the Legislature may adjourn within ten days after the bill is presented, in which case it does not become a law and no harm is done. If the Legislature has committed an error or an oversight in legislation, and that is discovered by the Executive, it seems to me that he has no right to withhold the bill and let it become a law by lapse of time, and thus deny the Legislature an opportunity of correcting an error or an oversight. "If he *approve* the bill, he shall sign it; if not, he shall return it with his objections," that the two Houses may reconsider it.

I have the honor to be,

Very respectfully,

Your ob't ser'vt,

JOHN C. EDWARDS

TO THE HOUSE OF REPRESENTATIVES

JANUARY 11, 1847

From the Journal of the House of Representatives, p. 240

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 11, 1847.

To the Honorable, the House of Representatives:

Gentlemen—At the suggestion of the delegates from the counties composing the eleventh judicial circuit, I have examined with some care, the bill entitled,

An act amendary of an act entitled "An act to establish judicial circuits, and prescribe the time and places of holding courts."

This bill, by some inadvertence, seems to be defective in two or three particulars; it repeals the twenty-seventh section of the act to be amended, yet provides for no court in the county of Mercer, which is a part of the eleventh circuit; it makes no provision for return of writs and process, and makes no provision for sale of property under execution. For these reasons, and as it will in the opinion of those interested, as well as in that of the Executive, be

attended with less trouble and confusion in the law, to pass a new bill fixing the terms of the courts in the eleventh circuit, if needed, than to remedy this by supplemental acts, it is respectfully returned to the House of Representatives, in which it originated.

I have the honor to be,

Very respectfully, your obedient servant,

J. C. EDWARDS.

SPECIAL MESSAGES

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 25, 1844

From the Journal of the House of Representatives, p. 57

To C. F. JACKSON, *Speaker of the House of Representatives:*

Sir—I inclose you a copy of my Inaugural Address, as requested by the House of Representatives, and have the honor to be,

Very Respectfully,

JOHN C. EDWARDS.

TO THE SENATE

FEBRUARY 10, 1845

From the Journal of Executive Business in Senate Journal, p. 505

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 10, 1845.

To the Hon. the Senate of Missouri:

Gentlemen—Having entire confidence in the integrity, capacity and patriotism of William Monroe of Morgan county, I do hereby nominate him to fill the office of Auditor of Public Accounts of the State of Missouri, for the next four years, and respectfully ask the advice and consent of the Senate to his appointment.

I have the honor to be,

Very Respectfully,

Your ob't serv't,

JOHN C. EDWARDS.

TO THE SENATE

FEBRUARY 26, 1845

[From the Journal of Executive Business in Senate Journal, p. 506]

CITY OF JEFFERSON, February 26, 1845.

To the Hon. the Senate:

Gentlemen—I do hereby nominate Allen McLane, jun., of Platte county to fill the office of Register of Lands for the next four years, and respectfully ask the advice and consent of the Senate to his appointment.

Very respectfully,

Your ob't s'vt.

JOHN C. EDWARDS.

TO THE SENATE

[FEBRUARY 27, 1845]

From the Journal of Executive Business in Senate Journal, p. 506

CITY OF JEFFERSON, February 27, 1845.

To the Hon. the Senate:

Gentlemen—I do hereby nominate John H. Stone, to fill the office of Judge of the ninth judicial circuit, and respectfully ask the advice and consent of the Senate to his appointment.

Very respectfully,

Your ob't serv't.,

JOHN C. EDWARDS.

TO THE SENATE

FEBRUARY 28, 1845

From the Journal of Executive Business in Senate Journal, p. 507

JEFFERSON, February 28, 1845.

To the Hon. the Senate:

Gentlemen—I do hereby nominate Henderson Young

to fill the office of Judge of the twelfth Judicial Circuit, and respectfully ask the advice and consent of the Senate to his appointment.

Very respectfully,

Your Ob'dt. serv't.,

JOHN C. EDWARDS.

MARCH 12, 1845

TO THE HOUSE OF REPRESENTATIVES

From the Journal of the House of Representatives, pp. 426-427

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 12, 1845.

To the Honorable, the House of Representatives:

Gentlemen—The resolution requesting me “to inform the House whether the lessees of the Penitentiary have renewed their bonds as required by the act of January 26, 1843; and, if not, whether any proceedings have been had against them,” was received on the 10th instant.

In reply to the first inquiry in the above resolution, I must say that the lessees of the Penitentiary have not, as yet, given a new bond as required by the act of January 26th, 1843. To the second inquiry, I must reply, that no step had been taken against the lessees of the Penitentiary up to the time of the receipt of the above resolution. Since then, as will appear by the accompanying letter, I have notified the Inspectors of the Penitentiary of the failure of the lessees to renew their bond, to enable them to take such steps in the premises as the law may seem to require at their hands.

I understand that the lessees are now making exertions to renew their bond, as required by the act of January 26, 1843. This I understand from some of the lessees themselves.

I have the honor to be, very respectfully, your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

MARCH 18, 1845

From the Journal of Executive Business in Senate Journal, p. 509

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 18, 1845.

To the Hon. the Senate:

Gentlemen—I do hereby nominate Falkland H. Martin, of the county of Jefferson to fill the office of secretary of State for the next four years, and do respectfully ask the advice and consent of the Senate to his appointment to said office.

I have the honor to be,

Very respectfully,

Your ob't. serv't.,

JOHN C. EDWARDS.

TO THE SENATE

MARCH 19, 1845

From the Journal of Executive Business in Senate Journal, pp. 508-509

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 19, 1845.

To the Hon. the Senate:

Gentlemen—I have been requested by some of the Senators who refused to advise and consent to the appointment of Allen McLane, Jr., of Platte county, to the office of Register of Lands, to renominate him for said office. In pursuance of this request, and in order to present an opportunity of doing justice to all parties, I do hereby renominate Allen McLane of Platte county, to fill the office of Register of Lands, and do again respectfully ask the advice and consent of the Senate to his appointment to said office.

I have the honor to be,

Very respectfully,

Your ob'd't. serv't.,

JOHN C. EDWARDS.

TO THE SENATE

MARCH 20, 1845

From the Journal of Executive Business in Senate Journal, p. 510

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 20, 1845.

To the Hon. the Senate:

Gentlemen—I do hereby nominate Priestly H. McBride to fill the office of Judge of the Supreme court in the place of the honorable George Tompkins, whose term of service has expired, and do respectfully ask the advice and consent of the Senate to his appointment to said office.

I have the honor to be,

Very respectfully,

Your o'b't. serv't.,

JOHN C. EDWARDS.

TO THE SENATE

MARCH 21, 1845

From the Journal of Executive Business in Senate Journal, pp. 510-511

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 21, 1845.

To the Hon. the Senate:

Gentlemen—I do hereby nominate B. F. Stringfellow, of Chariton county, to be Attorney-General for the next four years, and do respectfully ask the advice and consent of the Senate to his appointment to said office.

I have the honor to be,

Very respectfully,

Your ob't. serv't.,

JOHN C. EDWARDS.

TO THE GENERAL ASSEMBLY

MARCH 21, 1845

From the Journal of the House of Representatives, pp. 524-531

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 21, 1845.

To the General Assembly:

Gentlemen—At the last November term of the Adair circuit court, Frederick Atchison was indicted for an assault with intent to kill. On the ninth day of March, 1845, Preston Mullinax, the sheriff of Adair county arrested said Atchison in the tract of country between “the old Indian boundary line,” run by John C. Sullivan, in 1816 and Brown’s line. This is the tract of country heretofore in dispute between the State of Missouri, and the United States. On the same day, and in the same tract of country, as I am informed by the Sheriff, “a multitude of persons rescued said prisoner and set him at liberty,” and took said sheriff and his guard before a justice of the peace, for an offence alleged to have been committed against the laws of the territory Iowa.

This difficulty grows out of the heretofore unsettled condition of our northern boundary. In the section of country where this resistance of process happened, I am informed that no news of the admission of Iowa into the Union, or of the terms of that admission, had reached the people. Had it been otherwise, it is more than probable, that no resistance to the execution of process from our courts, would have been made in the disputed territory.

The admission of Iowa into the Union, will change the parties to this question. It has heretofore been a question between the United States and the State of Missouri. It is now a question between the State of Iowa and the State of Missouri, or rather it will be, as soon as Iowa accepts the conditions on which she is admitted into the Union; one of which is, that the northern boundary of Missouri, shall be the southern boundary of Iowa. If we

are correctly informed as to the character of the act admitting into the Union, then Iowa herself will probably consider the question settled, and her southern boundary fixed on our northern boundary.

We have claimed Brown's line as our northern boundary. The constitution of Iowa, adopted on the first day of November, 1844, calls for "the old Indian boundary line, or line run by John C. Sullivan, in the year 1816," four years before the State of Missouri was admitted into the Union, as the southern boundary of Iowa. By the act of congress admitting Iowa into the Union, congress refuses to give her this boundary, and as I understand the act of admission, the western boundary of Iowa runs south till it intersects the northern boundary of Missouri, and then runs east with the northern boundary of Missouri, to the river Des Moines, and thence down the river Des Moines. The "Indian boundary line" is not the northern boundary line of Missouri, as everybody knows. It was right that it should be so, and congress intended that the northern boundary of Missouri should be the southern boundary of Iowa.

It is clear, beyond any sort of doubt, that this act of congress does two things:

1st. It removes the southern boundary of Iowa from the "old Indian boundary line" where the constitution of Iowa placed it; and,

2d. It fixes the southern boundary line of Iowa on the northern boundary line of Missouri.

This act of congress does also one of two other things, just as certainly; that is,

1st. It fixes the southern boundary line of Iowa on Brown's line; or,

2d. It fixes the southern boundary line of Iowa on some ideal line which is the northern boundary line of Missouri, and which has not yet been ascertained and marked out.

The Indian boundary line is admitted not to be the true line. Besides the "Indian boundary line," there is not other line but Brown's line. If, then, Iowa insists upon

another line, it would seem to devolve on her to show that line. If this attempt be made, then the history of the matter—all the evidence in the case—every fact connected with the subject—will place the line at the rapids at the great bend in the Des Moines, or higher up that river. The weight of the evidence will carry it higher up that river.

“The old Indian boundary line,” was run four years before the State of Missouri was admitted into the Union. As it was a fixed line, known and marked, if it had been intended by congress, or by the convention, to make “the old Indian boundary line,” the northern boundary of Missouri, then both the act of congress and the constitution of the State would have called for this “Indian boundary line,” as the northern boundary of Missouri, but neither of them ever refers to the Indian boundary in fixing the northern boundary of Missouri. It was not intended to be our northern line.

“The old Indian boundary line” cannot be the northern boundary of Missouri. The northern boundary of Missouri runs with a parallel of latitude.

The old Indian boundary does not run with, but varies two and half degrees from a parallel of latitude. The northern boundary of Missouri strikes “the rapids of the river Des Moines.” “The Indian boundary line” strikes no rapids in any river whatever. For these reasons, every man who looks at this matter and understands it, admits at once, that “the old Indian boundary line” is not the northern boundary of Missouri; and if it be not, then it cannot be the southern boundary of Iowa, and so congress has decided. Nor can our northern boundary be south of “the old Indian boundary line.”

In 1817, petitions for the admission of Missouri into the Union, were numerous signed and forwarded to congress, stating among other things, that “the boundaries, as solicited, will include all the country *to the north* and west to which the Indian title has been extinguished.” The Indian title had been extinguished *to the north* up to the “old Indian boundary line.” Then we went *north* to that

line. We have seen that we did not stop on that line. If we went to it, and did not stop at it, then we must have gone beyond it, and north of it.

Iowa cannot object to these petitions. As I understand it, Iowa, by her delegation in congress, was the first to introduce them as evidence in this case. The United States gave them full credit. Reference is made to them in the report of the committee on Territories in congress, in 1840, at pages one and two, and again the report of 1842, at page six, to prove, not that the Indian boundary was the true boundary, but to prove that it ought to be the boundary, because "it would include all the territory north and west, to which the Indian title has been extinguished." These reports admit that the Indian boundary is not the true boundary.

But it has been insisted, on the part of the United States, that the phrase "the rapids of the river Des Moines," means the "Des Moines rapids of the Mississippi river. This was a perversion of language, and an absurd misconstruction of our constitution, made to force us to compromise for "the old Indian boundary line," by threatening to push us down to the Des Moines rapids" of the Mississippi river. Three expressions are used in our constitution in describing the northern boundary, having direct reference to this matter and to each other. The first expression is, "The rapids of the river Des Moines." The second is, "The middle of the channel of the main fork of the *said river Des Moines*." The third is, "thence down along the middle of the main channel of the *said river Des Moines* to the mouth of the same, where it empties into the Mississippi river.

Here we have the expressions, 1st, "river Des Moines;" 2d, "*said river Des Moines*;" and 3d, "*said river Des Moines*" again. Now these three expressions all mean the same thing, the two last referring with legal technical precision to the first. The expressions being "the river Des Moines," "*said river Des Moines*," and "*said river Des Moines*" again. By reference to the constitution, we can see clearly

that the second and third expressions mean the "river Des Moines" itself, and not the Mississippi river; because in the second phrase, the "main fork" is spoken of, and the Mississippi has no "main fork," so called, near the boundary line; and in the third, "said river Des Moines empties into the Mississippi river." If then, "river Des Moines," in the second and third expressions, as used in the constitution, means the "river Des Moines" itself, and not the Mississippi river, it follows that "river Des Moines," in the first expression, means the "river Des Moines" itself also, and not the Mississippi river; and if this be so, then the phrase "*rapids* of the river Des Moines," means "*rapids* of the river Des Moines" itself, and not "Des Moines rapids" of the Mississippi river. But on the other hand, if the phrase "the rapids of the river Des Moines," means the "Des Moines rapids" in the Mississippi river, then the second phrase "the middle of the channel of the main fork of the said river Des Moines," means "the middle of the channel of the main fork of the said" Mississippi river; and the third phrase, "thence down along the middle of the main channel of the said river Des Moines to the mouth of the same where it empties into the Mississippi river," means "thence down along the middle of the main channel of the said river" Mississippi, "to the mouth of the same where it empties into the Mississippi river." The absurdity of determining our boundary by the middle of the main fork of the Mississippi river, and of making the Mississippi river empty into itself, necessarily follows the position that the phrase "the rapids of the river Des Moines" means the "Des Moines rapids" of the Mississippi river. But this position has been over and over again refuted, and in truth it seems too absurd and frivolous to deserve serious attention; but as it is the only pretence for contending that our northern boundary is south of "the old Indian boundary line," it seems advisable "to kill it stone dead," now and forever.

If then our northern boundary is neither on "the old Indian line," nor south of that line, then where is it? The

petitions presented to congress in 1817, answer this question: the memorial of the legislature of the Missouri Territory, passed Nov. 22, 1818, and presented to Congress in December, 1819, answers this question: the act of congress providing for the admission of Missouri into the Union, answers this question: the constitution of the State, sanctioned by the act of congress, admitting the State into the Union, answers this question: the law, the constitution, all the facts of the case, the whole history of the matter, fixes, the northern boundary of Missouri, north of "the old Indian boundary line. Brown's line includes the smallest amount of territory that can be claimed by Missouri. Then let us examine these petitions, this memorial, the acts of congress, and our constitution in reference to this boundary.

First, then, of the petitions of 1817.

In reference to our boundaries, these petitions state that "the northern will correspond nearly with the north limit of the territory of Illinois, and with the Indian boundary line." The nearest correspondence with the two is the middle line between the two, and this line would be about the mouth of Rock river, and thirty or forty miles north of Brown's line. These petitions further state that the boundaries asked for "will make the Missouri river the *centre*, and not the boundary of the State." If the above line was the true boundary, the territory on each side of the Missouri river would be much more nearly equal than it can be if limited by Brown's line. So much for the petitions. The memorial will be found to strengthen them.

And next of the Memorial.

This was passed in the Territorial legislature, on the 22d day of November, 1818, and asks for a northern boundary commencing at a point due west of the mouth of ROCK RIVER, and running "thence due east to the middle of the main channel of the river Mississippi, opposite the mouth of ROCK RIVER." Here again is the same line called for in the petitions of 1817. This memorial further states that "one of the great objects which your petitioners have in view, is the formation of an effectual barrier for the

future, against Indian incursions by *pushing forward and fostering a strong settlement* on the little river Platte, to the west, and on *the Des Moines to the north.*" The country generally was thought to be barren, but on the Platte and Des Moines there was timber to support strong settlements; and if the memorialists wanted a *strong settlement* on the Des Moines, of course they wanted to "push" that settlement up "on the Des Moines on the north." On the eighth day of December, 1819, this memorial was referred to the select committee which reported the bill that became an act, a few months afterwards, to authorize the people of Missouri territory to form a constitution and State government; and that act, no doubt, was drawn with direct reference to this memorial and these petitions. John Scott says, he did not cross the Des Moines, because he understood the neck of land between that river and the Mississippi, was a low, flat, willow bar, of no value.

Next of the act of congress.

This makes the western boundary of Missouri run north till it intersects "the parallel of latitude which passes through the rapids of the river Des Moines." The northern boundary starts at this intersection and runs east "along the said parallel of latitude to the middle of the channel of the MAIN FORK of the said river Des Moines. Here is a call, first for the rapids of the river Des Moines, and Iowa contends that there are no very distinctly marked rapids until we ascend high up that river. This may take us near the line called for in the petitions and memorial. And here is a call, second, for "the middle of the main channel of the MAIN FORK of the said river Des Moines." Here is a distinct call for the "main fork," and it is well known, and can be readily seen by the inspection of any map, that there is no principal fork of the Des Moines river, till you ascend a considerable distance up that stream. The "*main fork*" will take us again about to the boundary of the petitions and the memorial.

Next of the Constitution of the State:

Close upon the heels of this act of congress followed the

constitution of our State, only a few months intervening between the two. Our constitution reiterates the same boundaries. It calls for "the parallel of latitude passing through the rapids of the river Des Moines" as the starting point; it then runs "along said parallel of latitude to the middle of the channel of the main fork of the said river Des Moines;" it runs "thence down along the middle of the main channel of the said river Des Moines to the mouth of the same." Here again the "Rapids" are called for, which Iowa contends are high up the Des Moines, and the "main fork" is again called for, which cannot be in the Mississippi river, and which must be high up in the Des Moines river.

Next followed the act of Congress admitting Missouri into the Union. This confirmed all that had been done before the reference to the boundaries, so far as the act of Congress and the constitution of the State were concerned.

As they fixed the boundary, so it remains, and so the State was admitted into the Union.

Not so with Iowa. She claimed the "Indian boundary line" on the south, and the Missouri river on the west. Congress stops her on the south at the northern boundary of Missouri, and on the west, near the old western boundary of Missouri. The first change was right, because Iowa claimed our soil, which congress had no right to give, and the second was made perhaps to leave room west of Iowa and east of the Missouri river for another State, or at least for the half of another State.

To all this evidence may be added the testimony of every living member of our convention, except one or two, speaking in the most unequivocal terms, and fixing our northern boundary in the Des Moines river, and above and north of the "old Indian boundary line."

Then we have the petitions of 1817, the memorial of the Territorial Legislature of 1818, and the act of Congress of 1820, the constitution of 1820, under which the State was admitted into the Union in 1821, the act of Congress

admitting the State into the Union, and finally the testimony of nearly all the members of the convention which framed our constitution; and against this array of testimony we are confronted by our adversaries with the absurd position that the expression "the rapids of the river Des Moines" means the "Des Moines rapids" in the Mississippi river; and on this absurd position has rested the whole claim urged by the United States against our legal and constitutional boundary. Whether Iowa will insist on it or not, remains to be seen.

By reference to correct maps it will be seen that all the calls—those in the petitions, the memorials, the act of Congress, and the constitution of the State—may be had at or near each other, and that all the lines called for at different times may strike the Des Moines river at or near the same point. The line most nearly corresponding with the "north limit of the territory of Illinois, and with the Indian boundary line," as prayed for in the petitions of 1817, would be the centre between these two lines, and this centre line would strike the mouth of Rock river, on the Mississippi, and the "Red Rock Rapids," in the river Des Moines, or nearly so. See Nicolai's map.

The memorial of our Territorial Legislature in 1818, leaves no doubt about the line called for in that document. This memorial is marked as Document No. 4, and was referred to a select committee in the House of Representatives in Congress, on the 8th day of December, 1819. This memorial calls for a west line running "due north to a point due west of the *mouth of Rock river*; thence due east to the middle of the main channel of the river Mississippi opposite the *mouth of Rock river*." This line too would strike the Des Moines just at the "Red Rock Rapids." See Nicolai's map again—the most accurate which has yet been published. The act of Congress of 1820, in running the western line, calls for the parallel of latitude which passes through the Rapids of the river Des Moines, and from thence the line runs east "along the said parallel of latitude to the middle of the channel of the main fork of

the said river Des Moines." In this act again the Rapids called for may have been the "Red Rock Rapids." The next call is for the "main fork" of the Des Moines river. By reference to the most accurate surveys, there seems to be no very prominent *fork* to the Des Moines river until we travel to a considerable distance up that river. By reference to maps in the topographical bureau at Washington, and to Nicolai's map, it will be seen that there are several streams putting into the Des Moines, both a short distance below and above the "Red Rock Rapids." Just below are the White Breast, English and Cedar rivers; just above are the lower, second and upper Three rivers. A line on the parallel of the mouth of Rock river would cross all three of the "Three rivers." In the act of Congress the call for the mouth of Rock river was dropped. The reason was probably this: the Hon. John Scott, who was then the delegate from this territory in Congress, says that he was then so little acquainted with the country that he "had to rely upon the information of others in regard to the lines—that the persons consulted all concurred that the Indian boundary line on the west *extended north* so that an east line would pass through the Rapids of the river Des Moines, ought to be the northern line of the State of Missouri, making the Missouri river run through the centre of the State from west to east; and they all concurred that there were rapids in the Des Moines river itself, some sixty miles from the mouth; and they all concurred that *it would be useless to embrace that part of the country that would lie between the river Des Moines and the Mississippi, as it was but a gore, a low, willow bar, between the Mississippi and Des Moines rivers, as they said, running nearly parallel for some sixty miles.*" He further says that he "was chairman of the committee who reported the bill that passed into a law on the 6th of March, 1820." See House Doc. No. 38, 1842. It may have been for this reason that the Mouth of Rock river was not called for. But Mr. Scott says "they all concurred that there were rapids in the Des Moines river itself, some sixty miles from the mouth."

They supposed the Des Moines ran parallel with the Mississippi, or nearly so. If parallel, the direction would have been north. Sixty miles north of the mouth of the Des Moines would have been about the parallel of the mouth of Rock river again. After this act of Congress followed our State constitution. This again called for "the rapids of the river Des Moines." It also called for the "main fork" of the river Des Moines. Both of these may be high up the Des Moines river. To all this may be added the testimony of nearly every living member of our State convention, and the testimony of several who are dead, proving the fact, beyond the possibility of doubt or contradiction, that the rapids called for were rapids in the river Des Moines itself. We have then, first, the action of the people themselves in 1817; second, the action of the Legislature of the Territory in 1818; third, the action of Congress in March, 1820; fourth, the action of the State convention in June, 1820; fifth, the action of Congress again in 1821—all fixing our boundary north of "the old Indian boundary line," and high up the Des Moines river.

The above facts would seem to place the boundary at the "Red Rock Rapids." The testimony of the members of the Convention does not decide between the Red Rock, Eagle's Nest, or Great Bend Rapids, but goes mainly to destroy the absurd position that the "Des Moines Rapids" in the Mississippi river fix our boundary, and to prove beyond doubt that Congress and the Convention, in the act of 1820 and the Constitution, called for the "Rapids of the river Des Moines" itself.

The commissioners who ran and marked out Brown's line, were themselves not altogether satisfied with the correctness of that line. The evidence in the case before them was very imperfect, and yet some of them, as I have been credibly informed, considered the true boundary further north and higher up the Des Moines than Brown's line. At one time, my opinion was settled as to the correctness of Brown's line; but new evidence, and more of it, and a closer investigation of the subject has unsettled that opinion.

The line cannot be south of Brown's line, because there are no rapids in the Des Moines south of those at the Great Bend. The weight of the evidence would push the line north of Brown's line.

As Iowa called for "the old Indian boundary line" as her southern boundary, and as Congress refused to grant this boundary and pushed her back on to our northern boundary, and as Brown's line is understood to be our northern boundary, and as there is no other line which is understood to be our northern boundary, it seems to follow that Congress recognized that line as the northern boundary of our State; and whether Congress did so recognize it or not, it does follow that there is no other line which can be recognized as our northern boundary. Our legislature has declared that "the line, as run and marked out by the commissioners appointed by this State, from the Rapids of the river Des Moines to the Missouri river, in the year 1837, be, and the same is hereby declared the northern line of this State." See Act Feb. 11, 1839, page 14.

If Congress, in fixing the southern boundary of Iowa, referred to any marked northern boundary of Missouri, then the reference was to this line; and this, of course, settles the matter with Iowa. But if Congress referred to a line yet to be ascertained, run and marked out, then it becomes the interest of Iowa, and more so of Missouri, to have that boundary ascertained, run and marked out at an early day. For this purpose it may be well for the two states to make up and submit an agreed case to the courts, if in this way the matter can be settled. It is the interest of both States to adjust the matter peaceably, if it can be done, and speedily, and such is the wish of Missouri and no doubt of Iowa too.

It seems to me that our officers cannot avoid discharging their duties up to Brown's line. It will be the duty of the State to defend them in doing so. Others may be arrested, as Mullinax has been; but it is to be hoped not, after the citizens of the disputed territory and of Iowa have seen the act of Congress admitting Iowa into the Union.

I would recommend an appropriation to defend Mullinax and such others of our officers as may be arrested by the authorities of Iowa, while in the discharge of their duties. It may be advisable to institute a suit within our own State. In that event, some provision should be made for prosecuting that with effect. Ample provision should be made for procuring all the testimony in the case.

I enclose, herewith, a copy of the petitions forwarded by the people of the territory of Missouri to Congress in 1817, and of the memorial of the Territorial Legislature of 1818, referred to in a preceding part of this message; and I would recommend the propriety and expediency of having them printed. As it has not been heretofore done, I would also recommend the propriety of purchasing at least one copy of Huta-wa's Map of Missouri for each of the States of the Union, and three or four for the United States. This Map has been made since our northern boundary was run, and I believe is the latest and most accurate Map of the State. The other States of the Union are in the habit of furnishing us with their late and improved Maps. Our interest and a proper courtesy to them require us to reciprocate.

The press of business, usual at the close of a session of the Legislature, prevents me from copying this hasty message. If, therefore, the House to which I enclose it, should take any action upon any part of it, I must ask that this paper may be sent to the other House with such action as may be had on it.

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

MARCH 24, 1845

From the Journal of Executive Business in Senate Journal, p. 511

CITY OF JEFFERSON, March 24, 1845.

To the Hon. the Senate:

Gentlemen—I do hereby nominate Montgomery Blair, of the county of St. Louis, to fill the office of Judge of the

St. Louis court of common pleas, and John M. Krum, of the county of St. Louis, to be judge of the eighth judicial circuit in this State, and do respectfully ask the advice and consent of the Senate to the appointment of each to the office for which he is nominated.

I have the honor to be,

Very respectfully,

Your ob't. serv't.

JOHN C. EDWARDS.

TO THE SENATE

MARCH 26, 1845

From the Journal of Executive Business in Senate Journal, p. 512

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 26, 1845.

To the Hon. the Senate:

Gentlemen—I do hereby nominate George W. Houston, to be Register of Lands for the next four years, and respectfully ask the advice and consent of the Senate to his appointment to said office.

I have the honor to be,

Very respectfully,

Your ob't. serv't.

JOHN C. EDWARDS.

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 1846

*From the Appendix of the Journal of the House of Representatives,
pp. 206-218*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 29, 1846.

To the Honorable, the House of Representatives:

Gentlemen—The resolution of the House calling for information in regard to the sale, exchange and redemption of certain State bonds, was handed me on yesterday, and as

it requires an answer "at as early a day as practicable," other business, somewhat pressing in its nature, and which had precedence of this, has been laid aside, to prepare the information called for as speedily as it can be done, consistent with the discharge of other imperative duties.

The following is the resolution of the House above referred to, as reported to the Executive by the Clerk of that body:

"RESOLVED, That the Governor of the State be and he is hereby requested to communicate to this House, at as early a day as practicable, all information which he may be in possession of in relation to the selling, redeeming, or exchanging bonds of this State, under the provisions of an act entitled "An act to provide for the payment and redemption of certain bonds of this State," approved February 27, 1847, *particularly* who he employed as agent to negotiate the sale of said bonds, the amount of expense attending the same, with the items thereof. Also, what requisition has been made by him, if any, to defray the expenses created in carrying said act into effect, the amount of said requisition, and in whose favor the same was made."

In a government like ours, where all men are equally free, and where the people govern themselves, the public interest is promoted by a proper respect from each Department to the others, and especially where any two Departments are required to act in concert, as is the case with the Legislative and Executive. This being true, it will be presumed in every case, that the House of Representatives, as a part of the Legislative Department, can intend no disrespect to the Executive, in any inquiries which they may make, until the contrary is shown; and the Executive must ask the House to be equally charitable to him in presuming that he can intend no disrespect for them, in any of his answers, until the contrary becomes manifest.

But a "particular" member can impugn the acts and motives of an Executive, when the great mass of the Legislature remains unprejudiced and competent judges of his acts and motives; and an Executive, being equally free to

think and speak, can impugn the motives and acts of a "particular" member, without casting the slightest shade of reflection upon the great body of the Legislature.

The executive is aware that mere resolutions of inquiry are passed almost as a matter of course, without any investigation, especially, where they are intended as assaults upon public officers. If they contain matter intended to be disrespectful, that matter is seldom observed by the House or any body else, except the concoctors of the resolution and the individual at whom the blow is aimed. If, for example, there was any affinity between this resolution and an attack upon the Executive in one of the papers of the State during the last year, designed, prepared and published, to thwart him, if possible, in the successful disposition of the State bonds, it might not be readily discovered except by the parties immediately interested—the attacking and the attacked.

If, then, the above resolution contains matter offensive, and so intended and designed to be, the Executive will not attribute it to the House, but will refer it to the proper source, and, if, in his answer, any thing should be found which may seem to savor of a want of proper respect and courtesy, the House will do him great injustice to apply an atom of it to themselves, instead of attaching the whole to the proper person.

But it is not the intention of the Executive to be uncourteous to anybody. A wrong in one person does not justify a wrong in another; and perhaps a want of proper courtesy in a member of the Legislature towards the Executive, would not justify a want of courtesy in the Executive even towards that member of the Legislature. This is spoken in reference to their official intercourse with each other, a matter in which the public and the public interest is concerned.

The open and avowed object of the resolution, and that for which the House adopted it, is legitimate and proper; and all the information now in the possession of the Executive, and more which he expected soon to obtain

and all that was necessary to a full and proper understanding of the subject, it was his intention to communicate, as soon as the additional item was received, even without the call from the House. But the covert of object of the above resolution, and that for which it was probably mainly concocted and designed, is hardly reputable to the mover, is disrespectful to the Executive, and asks for information which the Executive ought not to have, which he has not, which cannot be given, and which ought not to be given if it could. This will appear more fully in the progress of the answer to the resolution of the House.

The resolution of the House requires, first, "all information" which may be in possession of the Executive about the bonds in question; and, next, it requires certain other parts of the same information and other matters "*particularly.*" Answers to the latter part will be first given, being those which seem to be most eagerly sought by the mover of the resolution—involving the sum of "six hundred and twenty-five" dollars. Answers to the former will be given, being that portion which the House seems most to require—involving the management and disposal of two hundred and fifty-three thousand, two hundred and sixty-one dollars worth of State bonds and the proceeds.

The Executive is asked, then, "*particularly,* who he employed as agent to negotiate the sale of said bonds." To this, he answers, "*particularly,*" that he employed no body as agent to negotiate the sale of said bonds. The mover of the resolution does not ask "*particularly,*" who did negotiate a part, and who attempted to negotiate a sale of the whole of said bonds, and who has continued to attempt to negotiate the sale up to this time; but, as the House is asking for information for the public good, none which can be communicated, which will be of use to them, shall be withheld. The answer then, is emphatically, but most respectfully to the House, that the sale, exchange, and redemption of the bonds in question, was undertaken, and has been managed by the Executive in person.

It does not appear from the resolution, in so many words, yet it is now well understood, that the object of the mover is to attack the Executive, first, upon the ground, that he had no power to discharge the duties in reference to the bonds in person, and second, that he has no power to make a requisition upon the Auditor of Public Accounts for a warrant on the Treasury to pay the expenses. A reference to the law will probably settle both of these points. The error into which some of the public papers, as well as the mover of this resolution has fallen, seems to have consisted simply in wholly overlooking the first section of the law, and in fastening their attention exclusively upon the sixth.

The first section of the law referred to in the resolution of the House, provides "that the Governor of this State is hereby authorized to *execute* and *sell* the bonds of this State, to an amount not exceeding the amount of such bonds of this State as bear interest at the rate of ten per centum per annum, and are redeemable in the year eighteen hundred and forty-six, and *he shall apply the proceeds* of the bonds so executed and sold under this act, to the payment or redemption of said ten per cent. bonds, redeemable in the year eighteen hundred and forty-six."

This is the first section of the law under which the Executive acted; and this section authorizes him, first, to execute the bonds of the State to a certain amount; second, "to sell" these bonds at a rate of interest, not exceeding eight per cent; and third, "to apply the proceeds" to the payment and redemption of the ten per cent. bonds; and these three powers, the Governor exercised under this law, and no others, as, by his construction of it, he was bound to do.

This section of the law seems to be plain, and to admit of no cavil or dispute, and to need no comment—so plain that it would require the versatile genius, not of an ordinary lawyer, but of one whose convictions would follow, not an unbiassed judgment, but the promptings of disappointed ambition, or of embittered personal feelings,

to enable him to twist its provisions so much out of their proper shape as to deny to the Executive full power and authority over the whole subject.

As to the power of paying the expenses, that would probably follow without a special law. If not, then the Legislature can command the Executive to discharge certain duties abroad, and deny him any compensation or pay for his expenses, when, at the same time, a deduction is made in his salary, as was the case in this instance, which would be manifestly unjust. If the Legislature required an important extra service to be performed, and that service demands an expenditure of money, which an individual cannot advance, the expense must be drawn from the general contingent fund, or the service must go unperformed, and the public interest suffer. But it is not necessary to go into an argument to sustain this position, nor will the Executive assert it to be correct, nor is it essential for his purpose to do so, because, in the case under consideration he did not venture to act without the clearest provision of law for his guide.

The tenth section of the act alluded to in the resolution of the House, provides, that "all necessary expenses that may be incurred in carrying this act into effect, shall be paid out of the State Treasury on the requisition of the Governor, in favor of the person entitled to the same, out of any money in Treasury, not otherwise appropriated."

This provision seems to be quite as plain as the other section, and to give the Executive ample power to make the requisition for the pay, whether presented in the shape of compensation or otherwise. This section says, "the expenses" shall be paid; and that they shall be paid "upon the requisition of the Governor," and, that the requisition shall be "in favor of the person entitled to the pay."

In the passage of this law, the Auditor of Public Accounts was stripped of his appropriate duties, and the allowance of the accounts were transferred from him to the Executive. The law has left the Auditor of Public Accounts no discretion in the matter. He is bound to pay

whatever the Executive requires, unless the requisition appears unreasonable on its face. If there is any thing wrong in the case, the Executive alone is responsible, and he is prepared to meet the issue. That the Auditor had no control over the matter, is not his fault, nor is it the fault of the Governor, nor is it the fault of the law; but, if wrong, it is the fault of those who made the law, and the sin should be referred back to them. It does not look well for those who aided in making the law, and giving the power complaint of, to come at this late day, and complain that it was exercised, because they may have erred in giving it.

But if another object of the mover of the resolution be, to attack the Executive for abusing the exercise of the power granted, that is a proper subject of enquiry, and will be examined before this answer is closed. The facts, when presented, will probably show, that instead of abusing the confidence reposed in him, the Executive has been faithful to his trust and to the State, whether just or unjust to himself.

But it may be answered to all this, that the sixth section of the act referred to, provides that "the Governor is hereby authorized to employ such agent as he may deem proper, to negotiate the sale" of said bonds. To this, the Executive replies, that he did not deem it "proper" to appoint an agent, and, that, therefore, none has been appointed up to this day. The law authorized him to appoint an agent only when he deemed it "proper," and never having deemed it "proper," he was not only not required, but was probably not even authorized to appoint one, his authority depending upon a contingency which never happened.

There were many reasons to prevent the Executive from deeming it "proper" to appoint an agent; 1st, because the law authorized him to do the work in person; 2nd, because, if a man wants his work well done, he should go himself and not send an agent; 3rd, because he did not then believe he had the power to require an agent to give

bond and security for the faithful discharge of his duties; 4th, because, if he had the power to require bond and security, it was hardly possible to get an agent to give it for so large an amount, without paying him an unreasonable compensation; 5th, because he had no power to require an agent to take an oath for the faithful discharge of his duties; 6th, because an agent, even after giving bond, having taken no oath, can take advantage of the law, and act unfaithfully to the State, and still discharge the obligations of his bond, when a public officer, acting under oath, would be bound to discharge his duties faithfully; 7th, because the Executive had no offer of a safe and competent agent for less than two or three thousand dollars, nothing said about security; 8th, because he knew the bonds were as safe in his hands as they could be in those of any other man; 9th, because he did not know that the bonds would be as safe in the hands of any other man as they were in his own; 10th, because he had known accidents to happen in the disposition of State bonds, and the Executive being the party alone responsible in this case, intended that none should happen in the disposition of the bonds in question; 11th, because, if an agent had been employed, and the work had not been faithfully done, those who are now attacking the Executive for not employing an agent, would have seized the other side of the question, and have attacked him still more bitterly for shrinking from his duties, instead of discharging them in person, as required by the first section of the act; 12th, because he was able to take the bonds without being signed, and to sign them as they were sold, leaving the unsold bonds unexecuted, as they are to this day, that portion wanting the signature of the Executive, thus avoiding risks which no agent could have avoided; 13th, because the State ran only about the same risk in allowing the Executive to execute, sell and exchange or redeem the bonds, that she did in allowing him simply to execute the bonds; 14th, because any remove from the Executive to another person increased the risk to the State; 15th, because the official

business of the Executive at home had been pushed sufficiently in advance to give him time to attend to the sale of the bonds; 16th, because the Executive had other official business at Washington City, to which he had promised to attend, and which, at that time, he supposed would require his attention; 17th, because as the State had made the Executive her agent to do the work, it seemed *improper* for him to shrink from the duty, and to transfer it to an agent of his own, unless the public interest had required that course. In all this, the Executive may have been wrong; but if so, then it was wrong in the last legislature to require him to preform the services, and the sin should be referred back to them, and not be visited upon the Executive. But whether all this shall be determined to be wrong or not, may depend upon the result of the matter, which we shall see in the end.

But, to proceed with the particular inquiries made by the mover of the resolution. The Executive is asked "the amount of expenses attending the same," meaning the sale and exchange or redemption of the State bonds. This inquiry may be divided into two branches; 1st, the expenses to the State; and, 2nd, the expenses to the Executive: the former of which it is proper to communicate to the House, and the latter to the honorable mover "particularly." The answer then, is, that the expense charged to the State was "six hundred and twenty-five" dollars, but the expense to the Executive was largely over that sum.

But, the honorable mover of the resolution, asks, not only for the "expenses," but afterwards "particularly" for the "items" of the expenses. This is the covert part of the resolution, and that which was pronounced in the beginning not very reputable to the mover, and which was intended and designed to be offensive and disrespectful to the Executive, and which the Executive is well satisfied went through the House unobserved; because, in justice to that body, he is bound to believe that they ask for no information which it is not practicable to get, which it is not proper to get, which ought not to be communi-

cated if the Executive had it, and which would be of no use if communicated as the honorable mover of the resolution well knows, or ought to know.

The best disposition which can be made of this inquiry is, to divide the answer between the House and the honorable mover of the resolution, as was done in the preceding inquiry. In the first place, then, the answer is most respectfully to the House, that the only "item" of expense to the State is the "six hundred and twenty-five" dollars above mentioned. In the next place, with due respect to the honorable mover, the answer is, that the expenses of the Executive were various—numerous—"too tedious to mention"—his breakfast, his dinner, or his tea, when he had time and appetite to eat it—an apple or an orange, a lemonade or a sponge cake, a piece of cheese or a cracker, a glass of brandy or some old rye, when, from hard travel, much fatigue, and great want of sleep, he was too unwell to take more substantial food; or else, from rapid traveling, had no time to stop to get it—the blacking of his boots, or brushing the dust out of his coat, or hiring a servant to hasten his dinner, instead of forcing him to eat through a series of regular courses—hack hire and omnibus hire, portorage and drayage—stage fare and rail-road fare, steamboat fare on the lakes, gulfs, rivers, and bays—all these, and various "items," multiplied many times over, making, perhaps, thousands in the trip of six thousand miles—make up the "items" of expenses to the Executive—a long list—hard to get, and hard to give.

But the honorable mover seems to wish each "item" separate, and "particularly." And for what purpose? Does he wish to measure the charge of the Executive by the number of "items," to see whether it is *much* too little, or a *little* too much? If so, he ought to know that the mere "items," ever so "particularly" and *honestly* given will not enable him to do so. The mere "items" can be of no value to him without the cost. Or, when the honorable member calls for each "item," does he intend also to call for the cost of each "item?" In his resolution, he does

not say so "particularly." But suppose he had the "items" and the *cost* of each, of what service would they be to him? The "items" and the costs are of no value without the *receipts*—the vouchers. But suppose he had the receipts or vouchers, of what service would they be? This is best answered by inquiring what they are. What then would be the vouchers? The receipts of boot-blacks, apple pedlars, orange women, porters, draymen, hackmen, omnibus drivers, stage coach men, rail-road car-men, tavern keepers, toll-gate keepers, and many others, and all of these multiplied many times over. Does the honorable member wish to meet and overthrow the Governor's requisition on the treasury with these receipts, and thus convict him of overcharging? To overcharge intentionally, in the Governor's estimation, would be about as bad as to make the "items," costs and vouchers for such a trip. Perhaps the honorable member does not think so; but if he did, then he ought not to deny the Executive the benefit of that rule of law which saves a man from giving evidence to convict himself, *especially when there is no such evidence*. A lawyer would not.

The honorable member must be of that *class* of politicians (they do not make a school yet,) who believe that the Executive, once elected, can afterwards perform no act, during his term of four years, but an official act; and, that every act of his, being of an official character, is therefore, subject to legislative scrutiny. Under this belief, "a magpie could not peep more closely into a marrow-bone," than it seems the honorable member from Franklin would like to peep into all the acts of the Executive, whether public or private.

This much in answer to the interrogatory for "items," has been prepared "particularly" for the honorable mover of the resolution; surely, not for the House. It is hoped that the distinction which the Executive draws between the House and the honorable mover of the resolution, will still be kept in view; because the intention is to act with proper respect to the House, and also with proper

respect to the honorable mover; furnishing the House with the information which is sought for the benefit of the country, and treating the honorable member, "particularly" to that which he seeks, as far as it is practicable to give it.

But, in justice to the House, the Executive must respectfully say, that, in hundreds of cases, it was impracticable to get vouchers, except by a most unreasonable loss of time; and that time was much more valuable to him than money. In hundreds of cases, to have waited for vouchers, would have caused an unavoidable delay in his trip, till the arrival of the next train of cars. Besides, the Executive was unwilling to disgrace his State by stopping for, or even taking vouchers for such expenses and from such sources as those required by the mover of the resolution, had it been practicable to do so, as if the requisition of the Governor, made in pursuance of law, was not preferable at home to the receipt of the unknown porter—the hackman, or the boot-black. This is the matter in which the resolution of the House is disrespectful to the Executive—not so by the intention of the House, but by the intention of the mover and those who aided him. Respect for the House forces the Executive to acquit them of any such intention.

The Executive is also asked, "particularly," what requisitions have been made to defray the expenses. The answer is, the requisition above referred to, of "six hundred and twenty-five" dollars. He is also asked, "particularly," the amount of the requisition." The answer is, the above sum of "six hundred and twenty-five" dollars. He is further asked, "in whose favor the requisition was made." The answer is, that the only requisition—that for the "six hundred and twenty-five" dollars—was made in favor of the Executive, the person entitled to the same. It was impossible, under the law, to make it in favor of anybody else, as no body else incurred any expense in the sale of the State bonds.

Much concern has been manifested about lowering the dignity of the office of the Executive, in taking upon

himself, under the command of the legislature, the sale and disposition of the bonds in question. As for this matter, the Executive never had too much dignity to discharge any duty which the laws of his country required of him; and is very sure that he never will have, while he continues to be a public officer. Besides, there is no want of dignity in taking charge of two hundred and fifty-three thousand two hundred and sixty-one dollar's worth of bonds, and managing them properly and safely. But, the surprising part of this matter is, that the party most concerned about the blow inflicted upon the Executive dignity, should be striving to overthrow the Governor's requisition with the hackman's receipt.

To conclude the answers in regard to the inquiries "particularly" made, the Executive must add, that he sees no good reason to change the construction which he has given the law in reference to his power to act in person in the sale of the bonds, and that he will not intrust the bonds to the hands of an agent without an amendment of the law, if he can avoid it, unless he becomes satisfied that he has power to take bond and security for the faithful disposition of the funds. In addition to the security, an agent employed to sell State bonds, should always be required to take an oath to discharge his duties faithfully to the State. Some discretionary powers are always necessarily given to the agent. If only bond and security are required, advantage may be taken of the State, either in the rate of interest or in the amount of premium, and yet the obligations of the bond be discharged.

Next, the answer will be given in regard to the first part of the resolution, which requires all information which the Executive may be in possession of, in regard to the sale, exchange, and redemption of the bonds.

To enable the House better to understand the subject, it is proper to state, that an act was passed in 1841, requiring the Governor of this State to "execute and deliver to the Bank of the State of Missouri, the bonds of the State, to the amount of two hundred and fifty-three

thousand, two hundred and sixty-one dollars," to "be payable ten years after date, but redeemable five years after date," and to "bear interest at a rate not exceeding ten per cent. per year, payable semi-annually." The full amount of the bonds was sold at par, bearing ten per cent. interest per annum. It should be observed that this law neither authorized the Governor to sell the bonds, or apply the proceeds. See the law, page 21. It should be observed, also, that the bank guaranteed the payment of principal and interest on all these bonds. As the bank had disposed of these bonds at a high rate of interest, making the State pay ten per cent. to her bondholders, while the bank returned to the State an average of much less than one half the amount, and as the first five years after the sale of the above bonds was about expiring, and the time of redemption approaching, an act was passed in the year 1845, authorizing the Governor "to execute and sell the bonds of the State," to the foregoing amount, "to bear interest, a rate not exceeding eight per centum per annum," and to be "payable in ten years, but redeemable in five."

In pursuance of this act, "two hundred and fifty-three bonds, of one thousand dollars each, were prepared, and are executed, except that two hundred and fifty of them want the signature of the Executive, making the whole sum two hundred and fifty-three thousand. It was supposed, that, no matter at what rate of interest the bonds were finally disposed of, a sufficient premium might be realized in the transaction to redeem the fractional bond of two hundred and sixty-one dollars.

With these bonds, the Executive visited the city of St. Louis, New Orleans, Richmond, Washington, Baltimore, Philadelphia, New York, Boston, and other points—the principal money markets of the Union.

Before leaving the State, verbal offers were made to take perhaps forty, fifty, or sixty thousand dollars worth of the bonds at par, as eight per cent. bonds. A written proposition was made to take, perhaps, ten thousand dollars. These propositions were declined for two reasons;

first, the Executive was unwilling to sell at eight per cent. at all; and, second, he believed he could sell the whole amount in the eastern cities at par, and perhaps at a small premium, as seven per cent. bonds.

Three bonds were sold in St. Louis, under a condition, as will be seen by the agreement in the accompanying papers, marked A. These bonds were to bear a rate of interest equal to the highest rate of interest at which any of the bonds were sold out of the State. As no bonds were sold, and as no offer was made for any of them, bearing a less rate of interest than eight per cent., the interest on the three bonds sold at St. Louis, was finally fixed at eight per cent.

At New Orleans the news of the war reached the Executive. This, of course, deranged the money market, as does almost every other piece of important news. At the City of Washington, the Executive found the prospect of a rupture between the United State and Great Britian, on the Oregon question, growing every day more imminent. This of course deranged the money market still more, and seemed to destroy the prospect of selling bonds at any fair rate of interest for the time. The State bonds, however, were still not redeemable. Some verbal offers were made to take eight per cent. bonds at par, but the amount, if mentioned, is not now recollected; but the sum wanted at the time, is believed to have been large. The bond holders were visited, and ^{an} effort was made to exchange the new issue for the ten per cent. bonds, but without effect, the holders of the tens, very naturally refusing to exchange them even for eights, when no body in the money market would give eight for the new issue. This change in the condition of the money market, had taken place, mainly between the time at which the Executive had left the State, and the time of his arrival in Washington City. A portion of the bond holders objected to taking the bonds at any rate of interest, unless the Bank of Missouri would guaranty the payment of principal and interest, as had been done in the case of the ten per cent. bonds. At this,

the Executive supposed the State and the legislature would have felt indignant, and he gave no assurances that it would be done.

At the time spoken of, the Executive was unwilling to sell eight per cent bonds. The new constitution was then before the people. It seemed then to be almost universally believed that it would be ratified. This constitution created a common school fund, consisting of the five hundred thousand acres of public lands, the three hundred and twenty thousand dollars of surplus revenue, the five hundred and seventy-five thousand dollars common school fund in bank, and various other items of large amount. To these, may be added the seminary fund, as being in the same condition; making in all say, one million and a half, or two million of dollars. This sum was to "be held by the State, as a loan," and on it, she was to "pay an interest of six per centum per annum." On these funds, the State would not have paid interest, and have kept them idle. Of course the whole amount would have been invested in some manner to make it profitable. But the whole amount would hardly have been at once invested in internal improvements, nor is it probable that any portion of it would have been invested in foreign stocks. At any rate, it was supposed that two hundred and fifty-three thousand of this sum might well be invested in the redemption of the State bonds now redeemable. By this step, we should have paid six per cent. interest to our common schools, which was, in fact, paying the money to ourselves, instead of paying ten per cent. to persons beyond the State; thus saving to the State Treasury, four per cent. per annum upon the whole amount. If the new constitution had been adopted, the present Legislature could have effected this arrangement. Its failure was an unforeseen matter, by no means anticipated at the time. It was a contingency which seemed to be too remote to influence the action of the Executive.

After the rejection of the new constitution, a correspondence was again opened with the bond-holders. In

their answers, some of them assume, that after the expiration of "five years and one day," from the date of the bonds the State has no right to redeem. On this subject, the Executive advised with many persons competent to judge, before he concluded not to sell the bonds at par as eight per cents. Among others, he advised with most of our delegation in Congress, as will appear by the paper accompanying this, marked B, on which they were courteous enough to endorse their opinions, being anxious at all times to serve their constituents. A copy of the letter to the bond-holders is marked C.

The letters in reply to the Executive, during the last effort to sell these bonds, show conclusively to his mind, that the bond-holders, except one, who has but seventeen thousand dollars, were willing to exchange their ten per cent bonds, for eight per cents., provided the bank would guaranty the payment of interest and principal, as she had done in the case of the ten per cent. bonds, now redeemable. As proof of this, the House is respectfully referred to the letters accompanying this communication, marked D, E, F, G, H, I.

As the Bank had guarantied the payment and interest of these State bonds, and as the bond-holders seemed to attach an importance to that guaranty, and, as there seemed to be no good reason why the Bank, having guarantied these ten per cent. bonds, should not also guaranty the eight per cent bonds, as they were intended to redeem the tens, the question, whether she would guaranty, or not, was propounded to the Bank, as appears from the letter accompanying this communication, marked K.

This matter, the Bank took under consideration, by first referring the letter of the Executive to the Bank Attorney, "to procure his opinion as to the power of the board to make" the guaranty required. In answer to this, the Attorney for the Bank replies, that, in his opinion, "the charter does not authorize the Board of Directors to give the guarantee," and thereupon, the proposition to guar-

anty, "was unanimously rejected." All this appears by the accompanying papers, marked L, and M.

The Executive is unable to see any difference between the issue of the ten per cent. bonds, and the issue of the eight per cent. bonds; or any legal objection to guarantying the eight per cents, which did not exist with equal force against guarantying the tens. If so, and the Bank has no power to guaranty the eights, then she had no power to guaranty the tens, and in that case, the bond-holders would be as secure without the guaranty, as with it.

It is true, that the Bank in the case of the ten per cent bonds, guarantied in 1841, was to receive the money, or the greater part of it, and therefore, had an interest in guarantying, in order to procure the money due. But in this case, the Bank has an interest also, because, whenever any reduction is made in the interest of those bonds, and whenever any payment is made, the amount of her responsibility is lessened. If she had the power to indorse in the first place, because she was to get the money, she has the power to indorse in the second place, because it goes to diminish her responsibility.

This is part of the information which the Executive was anxious to procure, before he made his communication upon the subject of the State bonds. Another part is in reference to a proposition to serve as agent.—The only letter received on that subject has been mislaid. This matter, however, is not very important, as the gentleman who made the proposition is now in this city, and gives the substance of the proposition, and promises also, a copy of his letter as soon as he returns home, which shall be furnished the House, when received, if necessary.

The substance of that proposition, is understood to have been this: first, to sell the State bonds and defray all expenses, for one per cent. second, to sell the bonds for one-half of one per cent, the State bearing all expenses; third, if the State could wait until his business required him eastward, in July, to sell these bonds, and charge only the ex-

penses. Nothing was said about giving security, and of course, it was not contemplated.

Another reason existed, before the rejection of the new constitution, against selling these as eight per cent. bonds. The law of 1841, provides that the bonds shall be "payable ten years after date, but redeemable five years after date." The law of 1845, provides that the bonds shall be "payable in ten years, but redeemable in five." Under the first law, the bond-holders, in part, contended that the State has no power to redeem after five years and a day have expired. If there is any shadow of ground for this construction in the first law, then it is very certain that no power to redeem would exist under the second law, after five years and a day had expired. This would be about equivalent to reserving no power to redeem. If the bond-holders wished to prevent the redemption, it would be only necessary to place the bonds where the State would be unable to find them, to accomplish their object. This difficulty occurs in consequence of a failure in the law to provide a place for the redemption of the bonds, as well as for their payment.

As this defect still exists in the law, it may be asked why the Executive again offered the bonds for sale, and as eight per cent. bonds, too, instead of waiting for an amendment of the law. The reason is this: Since the rejection of the new constitution, the Executive is well satisfied that the State will not be in a condition to redeem these bonds at the end of five years, and, that therefore, it was immaterial whether she retained the power to redeem or not; and by selling at once, one-half year's interest was saved.—Under the new constitution, which was examined and discussed freely by the dealers in stocks in the eastern cities, the credit of the State, in a pecuniary point of view, would have been greatly enhanced, and in the event of not being able to redeem at the end of five years, the bonds might then be exchanged again for others bearing a still lower rate of interest. It will, however, cost but little

labor, to make the amendment suggested, and, perhaps, as the bonds are not sold, it would be advisable to do so. It may be further answered, that had the Bank agreed to guaranty, the last arrangement to sell did not remove the case beyond the power of the Legislature.

The bonds not sold—two hundred and fifty thousand dollars' worth—are now in the possession of the Executive, in the condition previously described, and ready for any disposition which the Legislature may choose to make for them.

In conclusion, the Executive will allude again to the compensation. Had it been the case of another person, he would certainly have allowed double as much. The responsibility which the Legislature imposed on him was a heavy one, and certainly not without its risk and its dangers; and it is neither right nor just in the Legislature to force an Executive abroad and to strip him of his salary, and then to refuse him the full expenses necessarily incurred.

In this case, the travel did not vary far from six thousand miles—perhaps it was a little over—certainly not much less. At ten cents per mile; a very low rate to be charged for travelling, even when a man does it in the day time and at his ease and leisure—this would amount to six hundred dollars; but much of it was necessarily done in the night, and that between the large cities generally in the night, as a matter of choice, to save the day time for the transaction of business; and in such a case, ten cents per mile is not a sufficient allowance for the risk and danger. The travel, at the above rate, would make the six hundred dollars, not including the stoppages, and the expenses at the various cities where the Executive had business to transact.

A messenger to carry on the Presidential vote, receives between eight and nine hundred dollars for his service. The Executive himself has received upwards of twelve hundred dollars for mileage, as a member of Congress. Other members have received, if his memory does not fail him,

as much as sixteen hundred dollars mileage from this State. The six thousand miles, at the rate allowed to members of Congress, would make two thousand four hundred dollars. In all these cases, no responsibility is assumed, and no risk is incurred.

An agent who went to Europe to sell State bonds, if the recollection of the Executive serves him correctly, was allowed six thousand dollars by the Legislature. It is believed he sold no bonds. The trip to Europe does not necessarily much exceed, in expense and time, the trip made by the Executive. If an agent had been employed in this case, his services, and the responsibility assumed, and the risk he necessarily ran, would have justly entitled him to two or three thousand dollars, especially if he had been required to give bond and security for the amount of the bonds.

But, in this case, the bonds were not sold; but that was not the fault of the Executive. The war broke out between the United States and Mexico, and, that, about as much as any other cause, prevented the sale of the bonds; but the Executive could not prevent the war. The difficulties between the United States and Great Britain, were lowering, and a collision between these great powers was constantly anticipated. This had a sensible effect upon the money market, and contributed about as much as the Mexican war to prevent any sale of State bonds. But the Executive was not to blame for this, either. He had no control over the matter, and performed as many services, and incurred as much expense, and ran as many risks as if none of these things had happened, and as if he had succeeded in selling one set of the bonds at a fair rate of interest, and in redeeming the others.

But the Executive invites the attention of the Legislature to the compensation charged. He waives his right, under the law, to make the requisition, and throws the whole matter open to Legislative action. If, on examination, the Legislature decides that he is entitled to more than he has charged, he will take the overplus, because he

believes, and did at the time, that he had considerably undercharged; but if the Legislature can decide that he has charged more than he is justly entitled to, then he pledges himself to refund the whole to the treasury, if it bankrupts him to do so. In that case, he will present it to the State.

The Executive concludes, as he began, by disclaiming the slightest intention of disrespect to the House, in any thing that may have been said in this communication. He has not an unkind feeling towards the House for any thing contained in the resolution which has just been answered; hardly an unkind feeling for the mover, and hardly any feeling of any kind for those who moved him.

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

P. S.—If the House should order this communication to be printed, it would be an act of kindness to permit me to see a proof sheet and revision before it is stricken off. It is unusual to publish the communications of any man, where he can be reached, without permitting him to correct the printed sheets, especially those of a public officer.

Having neither time nor force to copy the accompanying papers, the Executive has taken the responsibility of sending the original, or the only copies on hand. If the House will have them copied for their own use, and return the originals and the copies furnished, it will enable the Executive to keep up the regular office files.

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

DECEMBER 2, 1846

From the Journal of Executive Business in Senate Journal, p. 505

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 2, 1846.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate Thomas Van Swear-

ingen to fill the office of Judge of the court of common pleas, in the City of Hannibal, and respectfully ask the advice and consent of the Senate to his appointment.

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

DECEMBER 2, 1846

From the Journal of Executive Business in Senate Journal, p. 506

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 2, 1846.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate Addison Reese to fill the office of Judge of the fourth judicial circuit, and respectfully ask the advice and consent of the Senate to his appointment.

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

DECEMBER 9, 1846

From the Journal of Executive Business in Senate Journal, pp. 506-507

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 9, 1846.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate James R. McDearmon, of the county of St. Charles, for the office of Auditor of Public Accounts, to commence the tenth day of February next, and respectfully ask the advice and consent of the Senate to his appointment.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

DECEMBER 15, 1846

From the Journal of Executive Business in Senate Journal, p. 507

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 15, 1846.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate Solomon L. Leonard, to fill the office of Judge of the twelfth judicial circuit, and respectfully ask the advice and consent of the Senate to his appointment.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

JANUARY 8, 1847

From the Journal of Executive Business in Senate Journal, p. 508

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 8, 1847.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate Daniel M. Leet, to fill the office of Judge of the fourteenth judicial circuit, and respectfully ask the advice and consent of the Senate to his appointment.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE AND THE HOUSE
OF REPRESENTATIVES

JANUARY 10, 1847

From the Appendix of the Journal of the Senate, pp. 179-188

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 10, 1847.

To the Senate and the House of Representatives:

Gentlemen—It was stated by the Executive, at the opening of the present session of the Legislature, that the part which our State had taken in the war now being waged between the government of the United States and that of Mexico, and the action necessary to be had by the two houses upon matters connected with that subject, would form the material for a separate message.

About the tenth of April last, the Executive left the seat of government with the view of visiting some of the large cities of the Union for the purpose of disposing of certain State bonds authorized to be sold by an act of the Legislature, and with the proceeds to redeem others which bore a higher rate of interest.

While in the City of St. Louis, on his way south and eastward, as commander-in-chief of the State, he reviewed the St. Louis Legion and a portion of the sixty-fourth regiment—a brave, gallant and well disciplined body of volunteers, capable of doing any cause good service, and an honor to any country.

The review being over, the officers of that Legion and of the other troops reviewed, earnestly requested that, “if there was a war, and a place in it could be found for them, it should be procured.” Believing this to be no idle request, and satisfied that both officers and men were willing and anxious to serve their country in case of necessity, of course the promise of a place was made by the Executive, on the conditions that we had a war, and that the place could be procured.

The Executive reached the city of New-Orleans about

the first of May last, and was met by the news of the invasion of our territory by the Mexicans, and of the critical and perilous condition of our "Army of Occupation" then stationed on the Rio Grande.

In his distressed condition, the General commanding our forces, had made a requisition upon the Governors of Texas and Louisiana for aid.—At that time, in the city of New Orleans, but few men seemed willing to enter the service, in part, if not mainly, because the Government had neglected to pay for previous services; and the enrollment of volunteers was, therefore, progressing by tardily.

In the city of New Orleans it was then generally feared that our army would be cut off before reinforcements could be sent to their aid, and intelligence of such a disaster was hourly anticipated; yet no one could tell, and it was impossible to know how long our forces could resist the enemy or what body of men sent to their relief might save them from destruction, if unable to effect their own deliverance.

In this state of the case, the Executive informed the gallant old General Gaines, who was then in the city of New Orleans, that the State of Missouri could furnish a body of men in a few days if their services could be accepted by the Government. The General replied that he had no power to make a requisition for troops but that it would be doing the country a service to anticipate a requisition from the War Department, by sending twelve hundred men to the scene of action in the shortest time practicable; and that he would make a *request* for that number, provided the Executive would see the President of the United States as soon as possible, and prevail on him to sanction the *request* by accepting the service of the troops.

As before observed, the officers of the volunteer corps in St. Louis had been assured that, "if there was war, and a place in it could be found for them, it should be procured." Here was a war, and here was a place for them; and, in the judgment of the Executive, the honor and interest of their country, and, perhaps, the preservation of a portion of their countrymen—"the Army of Occupation"—demanded

that they should speedily occupy it. Although but one regiment, yet they might have changed the fate of the battle. In a close contest, it is impossible to tell which one hundred men will decide the result.

To order out so many men, under such circumstances, to be used so far from home, was assuming a heavy responsibility; but it was no time to count the cost when our fellow citizens were in danger of falling into the hands of a foe much superior in numbers, and one in the habit of disregarding all the usages of civilized warfare. The Executive felt well assured, too, that the call would be cheerfully met by the Missourians—that their patriotism would sanction the orders, no matter what the cost—and that the state of facts which prompted the requisition would induce the President to accept the services of the troops.

It is true that the bravery and gallantry of our troops and officers enabled them to escape the dangers which threatened them; yet, it becomes *men* to speak of things as they are; and it is not yet forgotten, and, by many competent to judge, still firmly believed, that if the Mexican commander had best consulted his own success, and had attacked Point Isabel in its defenceless condition, with spirit and vigor, he might have carried the place, possessed himself of the provisions and munitions of war belonging to our army, already in nearly a starving condition at another point, and thus have defeated or starved out our whole force, unless they had been aided by timely reinforcements. If this state of affairs, which then seemed to be the most probable, had really occurred, too much praise and gratitude could not have been rendered by the country to the volunteers who generously marched at the first intimation of danger to the aid of their countrymen. That our army escaped without their aid should not lessen their claims to the gratitude of their country.

The call made by General Gaines was dated the fourth day of May last, and immediately on the receipt of it, orders were issued from the city of New Orleans to raise the twelve hundred men called for, and committed to the

care of the Honorable Bryan Mullanphy, who reached the city of St. Louis on the eleventh of the same month, where the news produced great excitement, and the most patriotic enthusiasm prevailed in all classes; and the city, in a few days, forwarded to New Orleans—the place of rendezvous appointed—a large and efficient force to the support of our army. It is believed that Missouri had the honor of being the first State north or east of Louisiana that forwarded a regiment to New Orleans for the Mexican War. The above troops, about seven hundred in number, were regularly mustered into the service of the United States by the officer then commanding at Jefferson Barracks, and were forwarded and maintained from that time at the expense of the United States Government. Before they were mustered into service, they had been aided by liberal contributions from various patriotic citizens of the State; but what the amount and whether the money thus advanced has been refunded to the contributors, the Executive has not been informed.

Within a few days of the departure of these troops, seven other companies, from counties bordering on the Missouri river, reached the city of St. Louis, and asked to be mustered into the service of the United States, as part of the twelve hundred men called for by General Gaines. These companies consisted of brave, hardy, energetic men, who marched at the first intimation of a call from their country, leaving their families, their farms, and other occupations, at the busiest season of the year, making no enquiry as to the legality of the call or the prospect of pay. Their only thought was to serve their country.

On reaching St. Louis, these companies applied to the officer then commanding at Jefferson Barracks, to be mustered into the service of the United States; but that officer refused to muster and forward them, for what reason, as they stood in the same condition with those already mustered into the service by the same officer under the same call, the Executive has not been able to understand. It is stated, however, that the first portion of the troops raised under the call from General Gaines, was mustered into

the service of the United States before the news of the safety of our army had reached the City of St. Louis, and that the seven companies in question had reached St. Louis and applied to be mustered into the service after that news had been received. If this was so, then it may have been a good reason for not mustering them into the service of the United States, if an inferior officer has the right in any case to question the order of his superior.

At the time of issuing the order for the twelve hundred men, in anticipation of a call for more troops for the western or Santa Fe service, the adjutant general was instructed, if a requisition was made by the War Department for troops to be forwarded in that direction, to comply with the order forthwith, waiting no further instructions from the Executive. He was further instructed to raise forty companies for frontier defence, to be armed and held in readiness to march at a moment's warning, to repel any attack or invasion made by Indians or others, in the absence of the regular troops from the various posts along the western border of the State. The forty companies above ordered, were promptly organized, and too much credit cannot be given to that portion of our volunteers for the alacrity and promptness with which they prepared to defend the State, without pay, or any offer of pay, and in fact, under the assurance that they would not be paid, unless called into actual service.

The Executive left the city of New Orleans about the sixth of May, and reached the City of Washington on the fourteenth of the same month; and, on the same evening, waited upon the President of the United States, and reported to him the request made by General Gaines for the twelve hundred men from Missouri, and the order of the Executive to have them raised and forwarded to New Orleans as early as practicable; and, also, under what circumstances the request was made and the order issued, and asked that they might be received as troops of the United States. The President, without hesitation, accepted the services of all that portion of the regiment which had left for the service be-

fore an order from the Executive could reach the adjutant general of the State, changing the direction of that portion of the troops not gone, from Texas to Santa Fe.

In the interview just referred to, the President informed the Executive of the passage of the act, on the evening before, the 13th of May, authorizing him to raise 50,000 volunteers, and appropriating \$10,000,000 to defray expenses of the war; and also that he had, on the day before, made a requisition on the State of Missouri for a regiment of mounted men for the Santa Fe service, which was then in the hands of a special messenger, and on the way to the West.

After this interview, but on the same evening, the Executive forwarded from the City of Washington, to the adjutant general of the State, an order requiring him to raise the regiment called for. The requisition of the President, carried by a special messenger, reached the adjutant general on the evening of one day, and the order of the Executive requiring him to fill the requisition, forwarded by mail, reached him the next morning. The adjutant general, however, had issued the orders to raise the regiment under the instructions issued from New Orleans, previously alluded to, before the instructions from Washington City reached him. The regiment was promptly raised and forwarded to Fort Leavenworth—the place of rendezvous—and thence to Santa Fe, where they are still in service.

Under advice from the War Department, that no more troops were then expected from Missouri, and anticipating no difficulty in the simple business of raising and organizing troops in Missouri, the Executive proceeded to the Eastern cities on the original business of his mission; but, as the war with Mexico advanced, and as the prospect of a rupture with Great Britain on the Oregon question increased, the money market grew tighter, and the hope of selling the State bonds on any reasonable terms, if at all, seemed too remote to render any further effort at that time advisable. The news also that still another regiment of volunteers had been required from Missouri reached the Executive through

the public press, and hastened his return; but the business of raising that regiment, he found, on reaching home, entrusted to the Hon. Sterling Price, then a member of Congress. He found, also, Lieut. Gov. James Young at the Seat of Government, where he had been for some weeks promptly and efficiently discharging the duties of the Governor of the State.

In the meantime, that portion of the troops which had been mustered into the service of the United States, under the call made by General Gaines, had been forwarded to the seat of war—a brave and gallant body of men—Americans, Germans, and other foreigners united. These troops enlisted for six months, and became well disciplined, and promised to do their country good service; but at the end of three months, being unwilling to enlist for a tour of twelve months, as required by an order of the Government at that time, not having arranged their affairs at home to be absent from their business and families longer than six months, they were paid off and honorably discharged. The same course was pursued with troops from other States. It was said to have been the intention to retain the service of the Missouri troops, so valuable was that service deemed to be, for the balance of their enlistment; but thro' some cause the order did not reach them in time; but of this the Executive has no official information, and, therefore, does not speak of it as a matter of certainty.

The first regiment of mounted volunteers had been organized and were on their march to Santa Fe. The second regiment of mounted volunteers were being raised and preparing to march. Col. Kearney, who was authorized by instructions from the War Department to augment his force, had left a requisition with one of our militia generals for five hundred footmen, which was not filled, as was supposed, in consequence of an aversion to the foot service in the Platte country, where the troops were ordered to be raised. About this time, a rumor reached us that the Mexicans were sending a large body of troops from Chihuahua

to Santa Fe, under the command of General Urrea, and that a strong resistance would be made against the approach of our forces to that place. This fact induced the Executive to believe that a regiment of infantry should be forwarded to Santa Fe, and other circumstances strengthened this belief.

The 16th of June, Col. Kearney wrote to the Executive from Fort Leavenworth as follows: "Major General Ward is now endeavoring to raise four or five companies of infantry. If he succeeds, I will receive and take them with me. I yesterday received yours of the 30th ultimo from New-York. We cannot depend upon raising upwards of fifty volunteers from Bent's Fort and the country around there. Gov. Armijo has been for months past preparing for a war with this country, and expecting an attack upon Santa Fe from this point. From what I can learn, I believe that he can bring 5000 Mexicans into the field."

On the 2nd of July, Col. Kearney wrote from his camp at Fish's Ferry on the Kansas river, as follows: "I have with me two companies of infantry, one from Cole, the other from Platte county. I wish I had more; but I cannot consent at this late date to call upon you for them. The good of the public service would have been very much advanced, if the requisition upon your Excellency, made by the Honorable the Secretary of War, in his letter to you of the third ultimo, had been so far modified as to have given me four-fifths of infantry". * * * * "With thanks for your offer to furnish more volunteers, if desired by me, I repeat, it is too late for me now to call for them. We will endeavor, and I trust successfully, to do without any more."

In this letter, Col. Kearney, does not speak with confidence of success in his expedition; but rather uses the language of a forlorn hope. He says "we will endeavor, and I trust successfully, to do without more" troops. In marching against an enemy at such a distance from home, it was unwise to move with a force less than one which gave him full confidence of success. He was marching with about seventeen hundred men, regulars and volunteers, all counted;

and Col. Price's regiment was to raise his force to only about twenty-seven hundred. Only fifty volunteers could be expected from Bent's Fort and around there, when the President himself had expected two or three hundred, as he informed the Executive in the interview previously alluded to.

On the 6th of July, under the belief that the rumor that Urrea was moving from Chihuahua to Santa Fe, with from 3000 to 5000 troops to aid Armijo, who was able, as Col. Kearney supposed, to raise 5000 more, making, say 10,000 in all, was founded in truth, the Executive wrote as follows to the Secretary of War:

'We understand that New Mexico intends to resist the forces which we are sending to that country. We have a very well sustained report also, and I am disposed to give it full credit, that General Urrea is marching from Chihuahua to Santa Fe with from 3000 to 5000 troops. Col. Kearney has left for that country with a little less than 1700 men. Col. Price is to follow with 1000 more, making in all 2700, a few more or less. I am disposed to think that this force is too small for so important a service, and would suggest for your consideration, the propriety of sending 500 or 1000 more footmen. But 128 have gone with Col. Kearney. I have learned verbally from several sources, that he wanted more footmen, and that he was making an effort to raise some from the Mormons. He made a requisition on one of our militia generals for five hundred footmen from the north-west corner of our State, which at the last report had not been raised, and were not likely to be raised.' * * * * * "Colonel Kearney was anxious that Col. Price's requisition should be made up mainly of footmen, but Col. Price preferred taking horsemen; and in addition to his preference in the matter, his instructions required him to take horsemen. I think 1000 footmen ought to be forwarded. * * * I believe any dependence on the Mormons very uncertain and dangerous, especially when united with the Missourians; but I submit all these matters for your better judgment."

Again on the 10th of July—four days afterwards—the Executive addressed the Secretary of War as follows:

“I wrote to you a few days since on the subject of raising more footmen for the Santa Fe expedition. Since then I have reflected more upon the subject, and have conversed with some old and experienced men, acquainted with the country and the Mexican character, and they concur with me in the opinion advanced in my last letter.”

“In suggesting the propriety of sending an additional number of footmen, of course I am acting from the information in my possession, and without any reference to the character of the war as it is now presented to you. If that government has not already done so, when the news of the settlement of the Oregon controversy reaches Mexico, I should expect her to sue for peace; in which case further troops would not be wanted, unless it were to sustain General Kearney until the news of peace could reach him.”

“But if the war is not to be brought to a speedy close, as a sort of guardian of the forces from Missouri and of the service in the West, I should not feel that I had discharged my duty to the country, without urging the necessity of a superior force. To a point so remote, and where defeat would be attended with consequences so disastrous, it is wiser to send too many troops than not enough; *provided*, we do not send more than can be well substituted. It is not wise to underrate the prowess of our enemy, especially when the seat of war is so remote as to render a defeat, in all probability, a total loss of our army.”

“I am constantly in the receipt of reports of new volunteer companies, ready for any service that may be assigned them. I can pick a regiment of the best footmen in the west—hunters—marksmen, who know how to handle and keep their guns in order—men inured to toil, fatigue, hardships, and all sorts of privations in life—men anxious to enter the service, and ready to march to the Pacific, or anywhere else they may be commanded to go.”

“If you should deem me too urgent upon this subject, still I am sure you will be able to excuse me in consequence

of the interest which I feel in the success of the expedition."

Again, on the 16th of July, the Executive wrote to the Secretary of War as follows:

"Since my last to you, written a few days back, I have received a letter from Col. Kearney, of which the enclosed is a copy. The Col. says he wishes he had more infantry, but that he will endeavor, "and he trusts successfully, to do without more." My own opinion has not changed; nor is it too late to send a thousand footmen yet. This is the season when they can be most easily raised. The mere fact that they were approaching, would have a powerful and beneficial influence upon the Mexicans, if they were disposed to resist our progress. A succession of forces might have even a better effect, than if all our forces were forwarded in the same body. The fears of the people would magnify the approaching bodies into several times their numbers, and resistance would seem to be useless against a constantly augmenting army. If the Indians should take part they will be apt to unite with the stronger and to operate against that which is apparently the weaker party. A succession of forces might have even a better effect upon them than upon the Mexicans; and might induce them to co-operate with us against the Mexicans."

"But I urge this matter as if the signs indicated a continuance of the war. If there is a prospect of a speedy peace, that changes the matter, and may render it expedient not to follow my suggestions. While it is right to force a peace as soon as possible, it is also right not to incur any unnecessary expense. But it is wrong to expose our citizens and to endanger our army in order to save a few dollars expense. We best consult economy in sending a force sufficient to accomplish the work entrusted to them by the War Department."

To the first of these letters—that of the 6th of July—the Secretary of War replied, on the 18th of July, before either of the last two letters had reached him. The following is the reply of the Secretary:

"Your letter of the 6th inst. has been received and laid before the President, and I am instructed by him to make a requisition for one additional regiment of infantry to be mustered into the service of the United States at Independence, and sent forward with all possible dispatch to join the forces under General Kearney. Should the call mentioned in your letter, made by him on one of your militia generals, for five hundred footmen from the northwest corner of Missouri, have been responded to, then you will only add a sufficient number to make with them one full regiment of ten companies agreeably to the organization heretofore furnished you."

This requisition was received on the 3d of Aug., and in about one month from that time, nine out of the ten companies to compose the regiment, were at Fort Leavenworth, and ready to be mustered into the service of the United States. In the meantime five hundred Mormon troops, footmen, had been added to Col. Kearney's command; but it was believed that this rather endangered than strengthened his force—the hostility of the Mormons to the Missourians, and of the Missourians to the Mormons, being greater than that of either to the Mexicans. Had this not been so, the Executive might have assumed the responsibility of suspending the orders for one-half the last regiment, till further advised by the War Department.

On the 1st of August, Gen. Kearney wrote to the War Department from Bent's Fort, giving the assurance that he would be in possession of Santa Fe by the 20th of that month, and that the forces then with him, considerably less than his aggregate force, was sufficient to overcome any force that might oppose him.

Having advanced so near the enemy's country, and being with intelligent men directly from Santa Fe, General Kearney had the opportunity then to be, and should have been, correctly informed upon this subject; and the result proved that in the main point he was not mistaken, because on the 20th he was in possession of Santa Fe; yet, if later information be correct, the New Mexicans might

have opposed him successfully, but for divisions among themselves. Beside a force much superior in numbers to our own, the character of their country gave the New Mexicans a decided advantage over our forces, who were compelled to pass through narrow defiles in approaching Santa Fe.

On the information of General Kearney, however, communicated from Bent's Fort, and in consequence of the supposed danger and hazard of sending troops across the plains at that season of the year, and the trouble and expense of transporting provisions, an order was issued on the 11th of September, to muster out of service and honorably discharge the regiment of footmen for the Santa Fe expedition, to the sore disappointment of many good and brave men and gallant officers. A better regiment has not been raised during the war. These troops were all paid off in full for their services.

With the information before us at the time, the Executive believes it was right to raise the regiment; and with the information before the War Department at the time, he is not prepared to say it was wrong to discharge them. The result, however, thus far, has proved the discharge of the regiment to have been an expedient measure. If it was wrong to organize this regiment, the letters of the Executive to the Secretary of War shew that the blame is properly charged to the Executive. It was upon his advice that the requisition was made. He gave credence to rumor, and acted upon that and other information, which proved in part to be unfounded. If he erred, all that he can answer, is, that the error was an effort to serve his country. In war, however, we are often justifiable in acting upon rumors, because it frequently happens that certain and positive information cannot be had from an enemy's country.

With this regiment of infantry, the business of raising troops for the last year was brought to a close. The whole number of troops raised for the Mexican service probably exceeded four thousand five hundred. The Texas regiment numbered about 700; the first regiment of mounted men for

Santa Fe about 1,000; the second about 1,000 more; the first regiment of foot for Santa Fe about 1,000; the companies not forwarded to Texas about 500; and the two extra battalions, one foot, the other horse, about 500 more. Besides these troops for Texas and Santa Fe, forty companies, varying from sixty to one hundred men each in number—3,000 to 4,000 in all—were organized for frontier defence. And, in addition to these, it is supposed, that the service of from four to six thousand more were tendered to the Executive for the Mexican war; making the whole number but little short of fifteen thousand men.

There are some incidental expenses that attended raising and organizing these troops, which have not been paid; most, if not all of which, the United States Government will ultimately pay, if presented in a proper shape. A portion of the accounts for these expenses can be properly certified, but another portion, in consequence of the absence of the officers who contracted the debts, cannot be properly certified until they return from the Santa Fe expedition. As the whole of these claims, however, cannot amount to very much, and as the claimants are in want of their money, the propriety of making an appropriation to pay them off, is respectfully recommended. In the settlement of these claims, a competent agent would have the accounts and certificates so arranged as to ensure a speedy settlement of the accounts with the War Department, and the prompt return of the money advanced by the State. Provision for the appointment of such an agent, is, therefore, respectfully recommended.

The expenses unpaid consist of provision accounts, ferriages, transportation, a few express accounts, and others for materials furnished the volunteers in fitting them out for the expedition. To these may be added, whatever may be allowed the seven companies forwarded to St. Louis, under the order from General Gaines, and which were not mustered into the service of the United States, but returned home. It is believed that an appropriation of ten thousand dollars would cover all of these claims.

The seven companies just alluded to, are clearly entitled to pay from the United States, and if it should be advanced by the State, it must ultimately be refunded by the United States. These companies were fully embraced in the acceptance of the President. He accepted all the troops that had left when an order from the Executive, who was then at Washington City, could reach the Adjutant General of the State, requiring him to change the direction of those not already gone, from Texas to Santa Fe. These seven companies had gone from 80 to 180 miles on their way to Texas, before it was practicable for the order from the Executive to reach the Adjutant General, which clearly places them within the acceptance of the President.

In addition to this acceptance from the President, there is an order from the War Department, which accepted the entire regiment called for by Gen. Gaines, and of course these seven companies as part of that regiment.—That order is dated May 22, 1846, and is from Adjutant General R. Jones, to Maj. Gen. E. P. Gaines, a copy of which was furnished the Executive in the following words:

“I am instructed by the Secretary of War, to say that the service of the volunteer regiment of foot of the State of Missouri, tendered by Governor Edwards, and accepted by you at New Orleans, about the 4th of May, have been accepted and will be regarded as a portion of the force called into the service of the United States, by the authority of the President.” This order is signed by Adjutant General Jones, and removes every shadow of a doubt as to the question whether the United States accepted the services of these troops or not, and as to the obligation to pay for their services.

The claims of several officers whose duties have been much increased by the war, are respectfully recommended to the attention of the Legislature. The Adjutant General, Military Secretary, and other portions of the staff of the Commander-in-chief, have performed important duties for which they are entitled to remuneration. The case of the

Adjutant General and Military Secretary are particularly recommended to the attention of the Legislature.

The Executive is not prepared to close this message without alluding to the hard fought battles of Palo Alto, Resaca de la Palma and Monterey. The bravery and gallantry of the troops and officers engaged in achieving these important victories, entitle them to the highest praise and the lasting remembrance of their countrymen. Nor can the Executive pass unnoticed, the conquest of New Mexico, bloodless, it is true, but not, therefore, the less honorable to those who made it. In the opinion of many, he is the best commander, who conquers his foe at the least expense to his own forces, while the victory, in which the best and bravest spirits of the country are sacrificed, carries with it a loss which goes far to counterbalance the advantages gained over the adversary. To these achievements may be added the conquest of California, an even ranking in importance with the conquest of New Mexico.

It is gratifying to be able to add in conclusion, that the volunteers from Missouri, whether sent forward to the south or the west, as far as information has been received from them, have acted their part in a manner creditable to themselves and highly honorable to their State.

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

P. S.—*January 25, 1847.*—The above message has been withheld for some time with the hope of getting an answer to a letter addressed to the War Department, in reference to the claims of the volunteer companies returned from St. Louis, instead of being mustered into the United States service under the call made by General Gaines, but in consequence of the irregularities of the mail or from some other cause, no information has yet been received in regard to the pay of the above companies; and, as the session is drawing to a close, it is deemed advisable no longer to withhold this communication.

Very respectfully,

JOHN C. EDWARDS.

TO THE SENATE

JANUARY 11, 1847

From the Appendix of the Journal of the Senate, pp. 206-207

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 11, 1847.

To the Honorable, the Senate:

Gentlemen—By an act approved March 28, 1845, page 228, five hundred dollars were appropriated to defend Preston Mulnix, Sheriff of Adair county, indicted in Davis county, Iowa, for exercising the duties of his office in the disputed territory.

By another act of the last legislature, approved March 25, 1845, two thousand dollars were appropriated to pay the expenses of an agreed case authorised by that act to be made up between this State and the State of Iowa, in regard to the northern boundary question. See page 16.

No part of either of these appropriations has been expended. Mulnix was pardoned by the Governor of Iowa before he went to trial, and Iowa failed to become a State at that time, and, therefore, no agreed case was made up, the territory having no legal interest in the question of boundary.

But other cases occurred in regard to the boundary question. Jonathan Riggs, the sheriff of Schuyler county, was indicted in Davis county, Iowa Territory, and the sheriff of Davis county, Iowa, was indicted in Schuyler county, Missouri, each for exercising the office of sheriff in the disputed territory.

The Honorable Carty Wells, and the Honorable James S. Green were employed to defend and to aid in prosecuting these and such other cases as might arise out of the same controversy. The enclosed letters are respectfully referred to the Senate to show what efforts were made to settle this disputed and difficult case.

The Executive does not feel authorised to pay these gentlemen for the services which they rendered out of either

of the appropriations above alluded to, and yet their employment contemplated services similar to those required in both cases provided for by the last legislature. As the Executive believes he has no power to pay for the services rendered by these gentlemen, he respectfully recommends the case to the Legislature to be provided for by a special act.

While on this subject, the necessity of some provision on the boundary question is again very respectfully recommended. The admission of Iowa into the Union will render a speedy settlement of this question entirely practicable. As there will be much testimony to procure, and counsel to employ, it may be well to appropriate not less than three thousand dollars for the purpose. The case is important, and it is better to appropriate a little too much than not enough. The surplus, if any, will not be expended.

In connexion with this subject, the southern boundary of the State claims your attention also. That has been surveyed, and the report of the commissioners is on file in the office of Secretary of State. It is respectfully suggested that it may be well to pass an act declaring the line thus surveyed the State line. This was done in the case of the northern boundary after the survey of that line. The Executive does not deem this indispensable, however, as the boundaries are fixed by the constitution, and the surveys are only intended to run and mark them out. See act of 1838-9, page 14.

There may be some small amounts due the hands or commissioners employed in surveying the southern boundary. If so, provision should be made to pay them. The Auditor of Public Accounts can probably furnish the necessary information on this point.

I have the honor to be,

Very respectfully,

Your ob't. serv't.,

JOHN C. EDWARDS.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1847

From the Journal of the House of Representatives, p. 269

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 15, 1847.

To the Honorable, the House of Representatives:

Gentlemen—The enclosed letters purport to be from Addison Smith, a deaf and dumb mute. The letters explain the object of the writer very fully and at the same time very concisely. The establishment of a deaf and dumb Asylum is a subject which cannot fail to excite the sympathetic feelings of every member of the Legislature, and one that calls earnestly for the action of the two houses.

An appropriation of one thousand or fifteen hundred dollars for each of the next two years, might enable us to test the matter, and to ascertain what ought to be and what could be done to aid that unfortunate class of our citizens. This is recommended only as an experiment—the beginning of a system to be improved in future.

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

JANUARY 25, 1847

From the Appendix of the Journal of the Senate, pp. 210-211

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 25, 1847.

To the Honorable, the Senate:

Gentlemen—The following resolution of the Senate was received some days ago:

“RESOLVED, That the Governor of this State be respectfully requested to inform the Senate, whether any troops have been ordered out by him or any proper military

authority of this State, with a view to serve in the Mexican War, who were never mustered into the service of the United States, and if so, what companies, and when, and how long they were thus called out, and whether they have been paid or not, by the United States, and what expenses were incurred for the transportation or subsistence of such troops, and whether the same or any part thereof have been paid by the United States; also, what steps have been taken to ascertain the number, nature, and amount of such claims, and what measures, if any have been adopted to have the same presented to, and allowed and paid by the proper authorities of the United States.

“RESOLVED, also, That the Governor be respectfully requested to inform the Senate whether any such expenses for pay, transportation or subsistence were incurred by, or for any volunteers of this State that have since been mustered into service, and whether the same or any part thereof have been paid by the United States, and the number, nature, and amount of such claims as are still unpaid, and what measures have been adopted to have the same presented to and allowed and paid by the proper authorities of the United States, and also that he be respectfully requested to inform the Senate whether any legislation on the part of this State is necessary in order to have such claims properly presented to the proper authorities of the United States for payment.”

The Senate is respectfully asked to consider the message accompanying this reply as part of the answer to the above resolution. This message has been withheld from the two houses up to this time with the hope of getting answers from the War Department to some enquiries in reference to the pay of seven companies ordered out to complete the requisition made by General Gaines for twelve hundred men, and which were not mustered into the service of the United States, but returned home after proceeding as far as the city of St. Louis, on their way to Texas.

The enclosed letters from the Secretary of War, will show the position taken by the Pay Department in reference

to the pay of State officers who have been employed in raising and organizing troops under the requisitions from the War Department. The several letters are marked A, B & C, and assume the position that no State officer can be paid by the United States, except such as may have been necessarily employed in mustering troops into the service of the United States by the order of the Executive in the absence of a United States officer to perform that duty.

The message accompanying this answer, contains about all the information the Executive can give in reply to the enquiries of the Senate. If further information should be received from the War Department, it will be forthwith communicated.

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

FEBRUARY 3, 1847

From the Appendix of the Journal of the Senate, pp. 213-214

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 3, 1847.

To the Honorable, the Senate:

Gentlemen—Each State has been in the habit, after the publication of any new and valuable map of distributing it among the different States of the Union. This is an act of courtesy which, it is believed has seldom been neglected where the new publication was deemed correct and useful. At considerable expense to himself—in fact, it is said, at a sacrifice of all that he was worth—Edward Hutawa, Esq., prepared and published a map of the State, which for accuracy and usefulness, has been found very superior. This is the only accurate and full map of the State which has been published for many years; and in fact the only one of

good size which has been published in the last twenty or twenty-five years.

An effort was made during the session of the last legislature to pass a bill to provide for the purchase and distribution of a portion of these maps, but the effort failed, probably because the character & value of the map had not then been properly tested, the publication being entirely new, and the merits and character of the author measurably unknown, and, therefore, not properly appreciated.

The purchase of a copy of this map for distribution among the different States and Territories of the Union is respectfully recommended. The same amount of money could not be more profitably expended than in purchasing one copy of this map for distribution among each of the several counties of the State, to be kept in the county court clerk's office for the use of the citizens of the county. The nineteen new counties organized at the last session of the Legislature have been added to this map so as to make it full and complete up to this time. The purchase of one copy for each county in the State is respectfully recommended in addition to the copies for distribution among the several States and Territories of the Union.

Mr. Hutawa, himself, is no more. He died recently, perhaps from disease engendered in the service of his country; and the State is thus deprived of one of her most promising and useful sons. His family is entitled to the sympathy of the Legislature. The effort to get up this map was prompted as much by public spirit and patriotism as by the hope of pecuniary reward. It has already been of signal service to the State in giving its geography, especially to persons wishing to emigrate, in a fuller and more accurate manner than could be obtained from any other source. If time is allowed to investigate this matter, it is believed that it will be found expedient to purchase the maps as recommended. In doing so, an act of common courtesy will be extended to the different States and Territories of the Union, an act of profit to the different counties of the State, furnished with the map, and an act of justice and humanity to the widow and

orphan children of the deceased, but talented and meritorious author of the map of Missouri.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

TO THE SENATE

FEBRUARY 4, 1847

From the Appendix of the Journal of the Senate, p. 214

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 4, 1847.

To the Honorable, the Senate:

Gentlemen—The accompanying letter, and copy of a resolution of the Legislature of Iowa, has just been received.

The resolution asks the privilege of constructing dams across the Des Moines river to improve its navigation and also the privilege of disposing of the water power thus created within the limits of this State.

The resolution is referred for your consideration, as requested by the Governor of the State of Iowa; but as only a few days of your session remain for action upon any subject, the reference is made without taking time to investigate the merits of the application.

If you should have time, however, to act upon the subject, it seems there can be no well founded objection to granting the privilege of erecting the dams. As to the propriety of granting the privilege of disposing of the water power thus created within the limits of our State, some doubts may be very well entertained, but the whole matter is submitted for the better judgment of the legislature.

I have the honor to be,

Very respectfully,

Your ob't. serv't.

JOHN C. EDWARDS.

TO THE SENATE AND THE HOUSE OF
REPRESENTATIVES

FEBRUARY 6, 1847

From the Appendix of the Journal of the Senate, pp. 189-197

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 6, 1847.

To the Senate and House of Representatives:

Gentlemen—The Senate and House resolutions, calling for the details of the plan of a school for the preparation of teachers, and also of a plan of common school education for the State, as early as they could be conveniently prepared, were received in the begining of the session; but other imperative duties, and the great difficulty of compressing the details into a communication of reasonable length, have prevented me from giving the answers in time to be acted on at the present session.

Another serious difficulty presented itself. Any plan which can be prepared, will require some funds to put it in operation. The State has an ample supply of these, but none of them are in a condition to be easily commanded, having been placed where the Legislature would refuse to control them, or where, if the Legislature was disposed to take the management of them, another department of the government might interpose to prevent them from exercising that power. Under these circumstances, with the debts already hanging over the State, it has seemed difficult to move in the matter with much prospect of success.

It is evident, since the rejection of the new constitution, which contained some of the most favorable features on the subject of common schools, and which features contributed so largely to the defeat of that instrument, that if we intend to encourage the cause of education for the future, we must do it on some plan which will cost but little money; and the only plan of this character, presenting itself, is the school for the preparation of teachers, and even this will require funds to put it in operation.

In the plan of this school, it is proposed to combine several important principles, which, if they can be carried out successfully, must make the school itself successful; and, with the success of this school, all the common schools connected with it must succeed also, and that too, at nearly no expense to the public, or to individuals, or to any other body, except to the school for the preparation of teachers.—The only aid required will be the fund to put the school for teachers in operation, the prominent feature of the plan being to make the students in this school work or pay for their education as they are getting it, and then to make them pay for it again, by teaching the common schools, which send them to the school for teachers. This seems to be placing the whole burthen upon the students to be prepared for teachers, and this is nearly true; but they will, notwithstanding this, be the greatest gainers by the plan, and will, therefore, not complain but seek the situation.

The principles proposed to be combined in the plan of the school for teachers, are these: 1st. Only such students as are somewhat advanced, and such as can be selected for their morals, capacity, and industrious habits—such as will make their own expenses—should be received; 2nd, The students should be required to work a given portion of their time, say one half, so as to make their expenses, and more if practicable, and to devote the other half to their studies; 3d, The best implements and the most improved machinery, should be placed in the hands of the students, so as to enable them in that half of their time devoted to labor, to make at least as much as by common labor, ordinary hands could make in the whole of their time; 4th, Every student, officer, teacher, and manager connected with the institution, should be interested in the profits of the labor; 5th, The expenses of teaching should be diminished, by placing a large number of students under the same teacher, and by making the more advanced students teach the younger classes; 6th, Each student should be required to teach the common school of his own neighborhood a given length of

time, in consideration of his being permitted to enter the school for teachers.

As observed before, if these principles can be carried out successfully, then it follows that the school for the preparation of teachers must be successful, and that, too, measurably, without money—without charge upon any fund except that created by the institution itself, and the fund necessary to put it in operation. The power to carry out these principles successfully, may be best determined by examining each one separately. This will now be done.

1st. Only such students as are somewhat advanced, and as can be selected for their morals, capacity, studious and industrious habits—such as would make their own expenses—should be received in this school. Each township wishing to do so, should be allowed to send a student to this school annually; but none should be compelled to do so till the experiment is fairly tested, if then. The students should be selected by the votes of a majority of those having children in the district or township to educate. Of course, the natural disposition in most cases would be, to select the young man who was superior in capacity, good morals, studious habits, and willingness and ability to work. There would, at least be no difficulty in doing so; and if, in any case, a district or township should fail to do so, and should send a student of a wrong character, the power should exist to dismiss him promptly and to send him home.

2nd. The students should be required to work. The first principle requires the proper material to make teachers, and this requires the proper use of that material. No student should be permitted to enter this school who has not been raised to work. The school is not intended to give to young men industrious habits. Its main object is to prepare hard working, industrious, and meritorious young men to teach the common schools of the country, and to fit them for the various other duties of life. Manual labor schools can be sustained only by industrious, hardworking, and moral men. They must always fail where other classes are permitted to enter them. Labor is really painful to the

effeminate, and such as have been raised in ease and idleness, while those who have been raised to work are benefited by being kept at it a portion of every day. It promotes their health and strength and vigor of intellect, and preserves and strengthens their constitutions, and prolongs life. To confine boys accustomed to labor, even for a few years, in close rooms, without exercise, is to kill them off. A proper amount of labor is as necessary to them as wholesome food. All this being so, our second principle can be carried out in practice. The time allowed for study is ample. Half the time devoted to close and hard mental exercise is sufficient for men of the most vigorous constitutions.

3rd. The best implements, and the most improved machinery, should be placed in the hands of the students. This should be done to enable them to apply their labor to the best advantage. Almost every man is now aware of the great improvements in machinery, and the vast amount of labor which a single hand can perform with the aid of a few hundred dollars properly invested in the improved machinery of the age. Thus aided, one man will do, not only double the amount of common labor, but the work of twenty, perhaps of forty hands. None are better qualified to manage machinery, or to manufacture successfully, than the young men selected from the different parts of the State, for their good morals, industrious habits, and superior capacity. Labor of this kind will be infinitely more profitable in such a school, than ordinary farming operations, which are now unprofitable under the most industrious and skillful managers. But more is said here than was required. The principle is, that we must place the best implements and machinery in the hands of the students. Of course there can be no difficulty in this.

4th. Every student, officer, teacher and manager, should be interested in the profits of the institution, and should be somewhat dependent on them. A certain amount of them should be set apart to constitute a fund to meet the expenses of the institution. The overplus should be divided, according to some given rule, among the students, officers,

teachers and others. If the institution is properly managed, there must be a surplus after paying all reasonable expenses. The division of this surplus, as above stated, would interest every person connected with the institution in having it properly managed. The profits of manufacturing various articles in this country, ought to be immense, and would be in every case where the business was properly and skillfully managed. In each department of labor, of course, a skillful instructor and mechanic would be required.

5th. A large number of students should be placed under the same teacher; and the more advanced students should teach the younger classes. The best mode of imparting knowledge to young men, is by lecturing. By this mode, a man can teach as many as can come within the sound of his voice, about as easily as he can teach a common class. The best learned, and most interesting and eloquent men in the country, should be employed for this purpose. A few such men could instruct hundreds of students.—The plan of making the better advanced students instruct the younger classes, might be successfully adopted. An older and an advanced student cannot be better employed than in instructing the younger classes. As the object of this school is to make teachers, this part of the plan would be important, in fact, essential in preparing them. By this part of the plan, instead of a professor, with a large salary, for every class of fifteen or twenty students, one for every two or three hundred, might be made to answer the purposes well. These students, as far as they were prepared to instruct correctly, could impart their knowledge as accurately as the most learned man. This part of the plan would produce an immense saving. Of the success of this principle there can be no doubt.

6th. This principle requires the student to teach the common school which sends him to the school for teachers, a given length of time. It may be doubted whether a student, after working and paying for his education as he advanced, would like afterwards to pay for it a second time, by teaching his own township school without pay, for any given period;

but this would be a matter to be settled before the student entered the school for the preparation of teachers. If necessary, bond and security might be required of him, or of some of his friends, that he would teach the township school the stipulated time. The term of the school for teachers should be two or three years. Three years would be better for all the parties; better for the student because he would be educated a year longer; better for the school for teachers, because that would have his services a year longer; and because his labor would be worth more in the third year than in either the first or the second; better for the township, because he would be better qualified to teach the township school, and because that could send one more student for a term of three years, than it would be proper to send for a term of two, in carrying out the plan of the school. Six months would be about the proper time to require the prepared teachers to superintend the township schools; and this ought to be during the fall, winter and spring months. The latter part of the spring, the summer and the beginning of fall, should be employed in labor by the larger, among the male students of the common schools. The time spent in teaching would be no loss to the teacher. No young man engaged in acquiring an education, can be better employed than in teaching a common school, even without pay. While thus engaged, he reviews his own studies, acquired additional knowledge, and learns to make a proper use and application of what he has acquired. Much of all this is known from experience and practical observation to be true. There would be no difficulty in procuring a sufficiency of young men at all times to keep the school full. The inducements to enter it, would be sufficiently strong to prevent any want of candidates for admission. The proper books and maps, suitable apparatus, competent teachers, learned and eloquent lecturers, a matured and well digested system of instruction, comfortable grounds and buildings, the necessary preparations for applying labor in the most profitable manner, the prospect of acquiring a useful trade, or of becoming skilled in the use and management of machinery, steam

power, and the steam engine, or of acquiring more information in regard to agricultural pursuits, would be strong attractions for the class of young men wanted, however repugnant some of these things might be to a different class of students. But these are only a small portion of the inducements which might be offered. The young men would be prepared for any of the duties of life—they would be prepared to become justices of the peace, justices of the county courts, sheriffs, clerks of the circuit and county courts, ministers of the gospel, members of the legislature, lieutenant governors, or governors, members of congress, or officers of any other character, as well as mechanics and farmers, or teachers of the common schools. And there are many other inducements; but it is found necessary to omit many important details, in order to keep this communication within reasonable limits.

It is by no means the intention to propose, at this time, that a sufficient number of teachers should be prepared in this school to supply each district school in the State. No doubt there are many wealthy neighborhoods where they would prefer selecting a class of teachers different from those educated in the school for teachers, and it should be left optionary with those having children to educate to select such teachers as they preferred. But such districts or townships as preferred having their schools taught by the character of men prepared at this school, should be permitted to do so. Each district or township school wishing to do so, should send one student annually. Each student should remain three years. We have now about seven hundred schools. Three students from each of these would make twenty-one hundred to be taught at the same time. The school, at this rate, would receive seven hundred students annually, and discharge seven hundred teachers. The number might be increased to any extent; and if the school was properly managed, the increase of numbers would diminish proportionally the expense, and enlarge the profits of the institution.

A brief notice of the expenses and the mode of meeting

them in part, may be given. 1st. The grounds on which to erect the buildings. These must be purchased with some public fund. But few would be needed. Farming would be too unprofitable to be followed by such a school, except as an experiment. The grounds could be improved and ornamented by the students.

2nd. The buildings. In the beginning, a few of these would have to be erected at public expense. The balance could be erected by the students, to suit the increase of their operations and the encouragement of the school.

3rd. Books, maps and apparatus. The first supply of these would have to be purchased at public expense; but books could be printed, not only for this school, but for all the common schools of the country, by the students, and at cheap rates, and yet for handsome profits. In a short time, much of the apparatus needed might be made by the students themselves. The maps, and the balance of the apparatus, would be a charge upon some fund.

4th. The implements and machinery. This would be a heavy cost, and in the outset would have to be met by some public fund. This cost might be met by the school after the first supply. A machine shop should be added to the institution. Tools of various kinds might be made by the students. At this time, we import almost every thing of the kind. Our scythes, reap-hoods, axes, hoes, shovels, spades, hames, scythe handles, pitch forks, plows, trace chains, and many other things are imported and used in large amounts. All of these things, and many more, might be manufactured with profit, if the mechanical ingenuity in the country was properly developed.

5th. The loss of labor to the parents. This would have to be a sacrifice on their part, for the advancement of their sons. Most parents would cheerfully pay for the education of their sons, and make a sacrifice of their time in addition, if they had the means and could spare them to pay for that education. If any should be unwilling to sacrifice the labor of their children, under such circumstances, they would of course refuse to let them be selected by their townships

to be sent to the school for teachers. This loss of time, then, would be no expense to the institution, but a sacrifice on the part of parents for the benefit of their sons, made in order to place them in one of the best institutions of the country. It should be one of the very best in all its departments.

6th. The pay of teachers would be a heavy item of expense. The best men and the best teachers should be procured. No expense should be spared in procuring them. Whatever was taught should be correctly taught and well taught. The young men sent to teach the district or township schools, should impart nothing but true knowledge. The farmer or the mechanic—the shoemaker or the miller—the blacksmith or the carpenter—the spinner or the weaver—the engineer or the machine maker, if properly instructed himself, can impart knowledge as correctly as the lawyer or physician, the merchant or divine. There is now, and always will be good sense enough, in most of our townships, to make them properly appreciate such men as teachers. In the nature of things, this must always be so in perhaps nineteen out of twenty of all our townships. The mass of us must always work for our bread; and this being so, it cannot be disreputable to work. But the pay of the teachers must be an expense upon some fund.

7th. The lodging of the students. This should be at the institution, and contiguous to their studies and labors. The ordinary evils of lodging students together would not exist in this institution. In the first place, they would be men selected for good morals and good habits; and, in the second place, after spending one half the day in hard study and the other half in hard labor, they would not find it difficult to sleep during the night. But as this is not intended as a school to correct the morals, manner or habits of young men, if any man, found deficient in either, he should be promptly dismissed, and before he had contaminated others.

8th. The boarding. In so large a school the fare might be tolerably good, and yet the boarding made cheap. A

portion of the food, perhaps a large part of it, might be raised by the students. It might create a smile to say that a mill should be attached to such a school, and that that mill should be driven by steam power, and that power of steam, and the character of the engine; and its use and management should be made one of the studies of the pupils, so that while they were making their bread they might be acquiring the most useful knowledge that can now be imparted to men for the ordinary purposes of life; and yet the design is to say this very thing, because the use of steam power and of the steam engine is now becoming so common and so well understood, and is found to be so valuable, that almost every man who is a mechanic or cultivates a large farm, should be as familiar with the use and management of an engine as with that of his own horse. The washing and cooking for one or two thousand students could be done mainly by steam and almost as cheap as for one or two hundred. Being plain boys, unaccustomed to the delicacies and luxuries of life, they would be well content with a sufficiency of plain and wholesome food.

9th. The clothing. This would be a large item in the expense. A portion of it would be brought with the student; but this would not half equal the amount which should be furnished by the school and carried away with them at the end of their term; and, therefore, would not lessen the expense. A manufactory of both cotton and woollen cloth and of hemp should be connected with this institution for several purposes: first, to make the material for clothing; second, to instruct the students in the business of manufacturing; third, as a means of introducing that business into the country; fourth, to instruct the students in the use of machinery; fifth, to give them a wider field for studying the power of steam and the use and management of the steam engine; sixth, to enable them to make the means of sustaining the institution; and seventh, to enable them to make a profit for themselves, the officers, teachers and others of the institution. But this is deviating from or going beyond the effort to meet the expense for clothing. In making the material

into clothing, a further expense would be incurred under this head which would have to be met.

It might seem to be extending this plan too far, to say that a female institution, upon the same principles, for the education of female teachers for the common schools, might be very well connected with the male school, and situated but a few miles distant from it. This could be made even more profitable than the male school; and each could be made to contribute to the success of the other. The idea might prevail with some, that it would not be reputable in our females to work, and especially in a manufactory, for an education; but all folly of this character would soon be cured. A residence of two or three years, in a well conducted manufactory, with proper books and studies and suitable instructors, would place the young ladies thus employed, so far in advance of their former associates, in taste, intellect, manners, beauty and business habits, that the situation would afterwards be eagerly sought, instead of being shunned. It is not uncommon for very well educated young ladies, in some of the eastern States, to spend the summer in teaching female schools, and the winter in spinning or weaving in one of the large manufacturing establishments. The common school for males should be taught in the winter, when the labor of males is less in demand and less valuable; and that for females and small boys, in the summer, when they are subject to little exposure. Besides the business of manufacturing, the female school could be well employed in making clothing for themselves, for the male school, and for sale generally. By this part of the plan, they would be taught one of the most essential duties which our female population has to perform; and almost every neighborhood in the State would in a few years have not only plenty of female teachers, but plenty of female tailoresses, a character hardly less useful in many parts of the country than the female teachers. In this way the expense of working the material into clothing for the male school could be met and made a means of instruction.

It will be observed, that there is nothing compulsory in this plan till the student enters the school, when a strict and rigid discipline must be kept up; but even this will bear light upon that character of men disposed to discharge their duties properly; and all others should be promptly dismissed. No township is required to send a student unless it chooses, and no student is required to enter the school unless he seeks the situation, and no parent is required to dispense with the services of his son unless he makes a voluntary sacrifice of them to advance the interest of his son by having him educated. No doubt these situations would be sought by students mainly from the poorer families; but this would be an advantage both to the country and to the school; to the country because it would improve the condition of the poor, and to the school because the poor boy, accustomed to labor at home, would work cheerfully at school; and unaccustomed to ease, idleness or any of the luxuries of life, he would be better content with the severities, the hard labor and rigid discipline of the school for teachers. And no matter how poor, if correctly educated himself, he could educate others correctly. His learning would not be soiled by mixing it with his labor or bringing it in contact with his poverty.

This would be a proper school at which to give the student some military knowledge. This would cause no loss of time—studies of this character would aid them in other branches. A parade of an hour or two once in each week, and on public occasions, would be a recreation and a matter of amusement and pleasure rather than a labor and a loss of time. In his term of three years, each student might be rendered competent to command a company, without missing the time spent in studying the discipline of the soldier. The same course might be pursued in the common schools. There could be no better exercise for the boys; and no amusement equal to it, or preferable to them could be invented.

The profits and beneficial results from this institution to the country would be immense. About seven hundred common schools are reported as being in operation. These

require seven hundred teachers, who are picked up as they can be found, many of them men of bad characters and worse qualifications; teaching errors which require double time and expense to unteach them. These schools, report, say fifty thousand students, less than half of whom, however, may never enter the schools. To educate this number half a year, at the rate say of \$10.00 per year, would cost \$250,000. Say fifty cents is paid on each student out of the proceeds of the common school funds, and this expense would be reduced to \$225,000. Now, with this sum, which is expended annually, and no doubt much more in the education of children in this State, the grounds, buildings, books, maps and apparatus, implements and machinery—for such an institution as has been described, to turn out seven hundred teachers annually, can be purchased and the institution put in operation, and carried on afterwards, successfully, by its own labor. This would be a saving of \$225,000 annually to the people. Such a school, under proper managers could begin on a smaller scale, and work its way upwards, with but little aid. But neither the full details of the plan, nor of the advantages of it to the country can be given in this communication.

The details of the plan for common schools asked for would be very much simplified by adopting the plan of establishing a school for teachers. All the machinery for the management of the school funds would become useless in the townships connecting themselves with the school for the preparation of teachers. The duties of the townships or school districts would be to prepare school houses, to select students to be sent to the school for teachers, and to send their children to the common schools when they were taught. Most of the intricacy and complicated machinery of the common school system might be transferred to the school for the preparation of teachers, in regard to all the district and township schools which might choose to connect themselves with that institution.

If the plan here proposed, should seem to meet with any favor, the details in full can be given to the next

Legislature, and with them the details of a plan for the common schools connected with the school for teachers. By that time, too, some means may be devised of putting the school in operation. It is time something effective was done. The subject of education is of higher importance than any other. The few cents distributed from the school funds accomplish but little. We want a system that will give a permanent school to each township at least one-half of the year.—It is believed that the plan proposed with the aid and consent of the townships themselves, will accomplish this object.

Very respectfully,
Your obedient servant,
JOHN C. EDWARDS.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1847

*From the Appendix of the Journal of the House of Representatives,
pp. 281-282*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 16, 1847.

To the Honorable, the House of Representatives:

Gentlemen—The joint resolution to provide for the reception of the distributive share of the State of Missouri, of the fund arising under the provisions of an act of Congress, approved September 4, 1841, entitled “An act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers,” has just been presented for approval.

The Executive does not believe this resolution an unconstitutional act, yet he does believe that it countenances unconstitutional and the most unwise legislation on the part of Congress. The government of the United States cannot distribute \$20,000 of ordinary revenue among the people of our State, without first taxing them at least \$40,000 to raise the \$20,000 of net revenue distributed to the expense of collection, must be added that of distribution also. Such

legislation on the part of Congress ought not to be countenanced by the State.

A grant of lands for certain purposes is very different from the distribution of revenue; Congress has the power to make her source of revenue available and productive; our southern swamp lands being of no value to the United States, are an example in point. The grant of alternate sections for the purpose of reclaiming the other, would be not an injury and a waste of revenue, but an improvement of it.

A grant of alternate sections to improve a river which is not navigable, or which is dangerous to navigate, in order to bring the lands on that river into market, and to make them available for revenue, and to enhance the value of the remaining lands, presents a case very different from that of collecting revenue at great expense, and then distributing that revenue among the people from whom it was collected at further expense. A proper grant of lands improves the revenue, but a distribution of revenue is an enormous tax upon the people, and a waste of public funds. But as the two houses are now at the point of adjourning, and as no time is left to examine and discuss the objections to this resolution, and especially as a number of the members of each House have already left for their homes, the Executive waives his own opinion upon the subject of adopting this resolution, in deference to that of the two branches of the Legislature, and approves and signs the resolution, protesting at the same time, against both the expediency and the morality of the act.

Very respectfully,

Your obedient servant,

JOHN C. EDWARDS.

PROCLAMATIONS

ORDERING AN ELECTION TO BE HELD

APRIL 24, 1845

From the Register of Civil Proceedings, 1837-1852, p. 294

WHEREAS, the first section of an act entitled "an act to provide for the call of a convention," approved Feb. 27, 1843, provided that a poll should be opened at the general election in 1844, "upon the expediency of calling a Convention, to amend, alter or make a new constitution of this State," and, WHEREAS, the sixth section required, that "if a majority of the votes thus given, should be for a Convention, the Governor should, in the month of April, one thousand eight hundred and forty-five, order an election to be held at the several places of voting in this State, on the first Monday in August, one thousand eight hundred and forty-five, to elect delegates to said Convention;" and

WHEREAS, it has been duly certified by the Secretary of State, to the Governor, as required by the fifth section of said act, that a majority of the votes at said election, on the expediency of calling a Convention, were given in favor of a Convention.

NOW, THEREFORE, I JOHN C. EDWARDS, Governor of the State of Missouri, by virtue of the sixth section of the aforesaid act, do hereby "order an election to be held at the several places of voting in this State, on the first Monday in August, one thousand eight hundred and forty-five to elect delegates to said Convention" and "each Senatorial district shall, and is hereby authorized to elect double the number to serve in said Convention, which said district may be entitled by law to elect to the Senate of this State at the time of said election" of delegates to the Convention, as required by the seventh section of said act; which time, is the first Monday in August, 1845.

In Testimony Whereof, I have hereunto set my hand, and caused the Great Seal of the State of
(SEAL) Missouri to be affixed. Done at the City of Jefferson, this 24th day of April, A. D. 1845.

By the Governor

JOHN C. EDWARDS.

FALKLAND H. MARTIN,
Secretary of State.

ON PRE-EMPTION OF LANDS

APRIL 24, 1845

From the Register of Civil Proceedings, 1837-1852, pp. 294-295

In pursuance of the tenth section of an act approved February 27, 1843, entitled "An act to provide for the selection and sale of the lands granted to this State by an act of congress, approved September 4, 1841". I, JOHN C. EDWARDS, Governor of the State of Missouri, do hereby give notice to all persons claiming pre-emptions under the aforesaid act, or wishing to avail themselves of the provisions of an act, approved March 13, 1845, entitled "an act amendatory to an act entitled 'an act to provide for the selection and sale of the lands granted to this State by an act of congress,' approved September 4, 1841, approved February 27, 1843," to make proof of their rights as pre-emptors on or before the first day of November next, and any claimant failing to make the proof required by the above recited acts, within the time required, will forfeit their claim to pre-emption rights.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of Missouri to be
(SEAL) affixed. Done at the City of Jefferson, this twenty-fourth day of April, A. D. 1845.

By the Governor

JOHN C. EDWARDS.

FALKLAND H. MARTIN,
Secretary of State.

ON THANKSGIVING

NOVEMBER 19, 1845

From the Register of Civil Proceedings, 1837-1852, p. 317

WHEREAS, it is considered right and proper, that we should gratefully acknowledge the goodness of God, displayed in the preservation of our lives, our civil and religious liberties, and our republican institutions, and for every blessing, temporal and spiritual, which we enjoy:

AND WHEREAS, the abundant fruitfulness of the year, and the protection of the State from invasion, insurrection and intestine commotion, and the citizens from plague, pestilence and famine, demand a return of thanks to Him, whose arm has brought this protection—

NOW THEREFORE, under a full sense of obligation and duty, and in accordance with the request of the various religious denominations, I, JOHN C. EDWARDS, Governor of the State of Missouri, do, by this, my public proclamation, recommend to the good people of this State, that, without any distinction of sect, denomination or creed, they observe *Thursday, the 25th day of December next*, as a day of Thanksgiving to Almighty God, for his favour, extended to us nationally and individually.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of
(SEAL) Jefferson this nineteenth day of November, in the year of our Lord one thousand eight hundred and forty-five, and of the Independence of the United States, the seventieth.

By the Governor.

JOHN C. EDWARDS.

FALKLAND H. MARTIN

Secretary of State.

TO THE PEOPLE OF THE STATE OF MISSOURI

MAY 20, 1846

From the Jefferson Inquirer, May 20, 1846

To the People of the State of Missouri:

Fellow-Citizens—Our frontier is in danger. The Mexicans invade our territory. War has commenced—the blood of our friends has been shed, and our army is menaced by superior numbers. Our country needs the services of her defenders at Point Isabel and near Matamoras. A new emergency offers, in which the soldiers of our country can further distinguish themselves for patriotism and bravery. TWELVE HUNDRED VOLUNTEERS ARE REQUIRED FROM MISSOURI. Let them be speedily raised. Every good citizen will lend his aid in concentrating a force to repel the attack of the Mexicans, and to procure by arms redress for the attempt to prevent the United States from asserting her claims within her own territory. As an inducement to enter the service promptly, the Missouri Volunteers may be assured that those who reach the seat of war at an early period, may be employed in active and hard service. Be prepared to fight. Expect no light work. A brave soldier has no reason to underrate his aversary. *Meet in St. Louis.* All necessities will be furnished at that point. You will be armed in New Orleans, and shipped thence to the seat of war.

JOHN C. EDWARDS,
Commander-in-Chief Missouri Militia.

ON HOME MUTUAL FIRE AND MARINE
INSURANCE

JUNE 8, 1846

From the Register of Civil Proceedings, 1837-1852, pp. 349-350

WHEREAS, by an act of the legislature of the State of Missouri, entitled “an act to incorporate the Home Mutual

Fire and Marine Insurance Company, of St. Louis," approved March 28, 1845, it is made the duty of the governor of the State to make proclamation that application has been made for insurance in said company, on fifty thousand dollars of which, notice shall be given by the directors; and WHEREAS, in conformity to the requisitions contained in the twenty-third section of the above recited act, I have received a letter from John D. Pierce, Secretary of said company, stating that, "application for insurance in said company, has been made to an amount exceeding fifty thousand dollars"

NOW, THEREFORE, I, JAMES YOUNG, Acting Governor of the State of Missouri, do hereby issue this, my proclamation, that application has been made for insurance in the Home Mutual Fire and Marine Insurance Company, on an amount exceeding fifty thousand dollars agreeably to the provisions of said act.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of
(SEAL) Jefferson this 8th day of June, in the year of our Lord one thousand eight hundred and forty-six.

By the Governor.

FALKLAND H. MARTIN,
Secretary of State.

JAMES YOUNG,
Acting Governor.

OFFERING A REWARD

JULY 6, 1846

From the Register of Civil Proceedings, 1837-1852, pp. 353-354

WHEREAS, it has been represented to me, that Henry R. Cleff, a German, did in the month of April last, commit a murder in the county of Lafayette, and State of Missouri, on the body of Richard Jenkins; and WHEREAS, the aforesaid Henry R. Cleff, was at the last term of the Circuit Court indicted by the grand jury of Lafayette county, for

the crime of murder, and afterwards placed in the county jail in the county of Ray, for safekeeping: and

WHEREAS, it is further represented to me, that the aforesaid Henry R. Cleff, did, on the night of the 14th of June last, break jail & escape therefrom, and is now going at large, to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I JOHN C. EDWARDS, Governor of the State of Missouri, in pursuance of authority in me vested by law, do hereby issue this my proclamation, offering a reward of Two hundred and fifty dollars for the apprehension of the said Henry R. Cleff, and his delivery to the Sheriff of Ray County.

In Testimony Whereof, I have hereunto, set my hand and caused to be affixed hereto, the Great Seal of the State of Missouri. Done at the City of
(SEAL) Jefferson, this 6th day of July, in the year of our Lord one thousand eight hundred and forty-six—
Of the Independence of the United States the seventy-first, and of this State the twenty-sixth.

By the Governor

JOHN C. EDWARDS.

FALKLAND H. MARTIN,
Secretary of State.

OFFERING A REWARD

AUGUST 4, 1846

From the Register of Civil Proceedings, 1837-1852, p. 357

WHEREAS, it has been represented to me, that in the spring of the year A. D. 1846, a murder was committed in the county of Jackson and State of Missouri, on the body of William W. Meredith by one John H. Harper; and WHEREAS, the aforesaid John H. Harper was committed to jail in the county of Jackson, to await his trial for the aforesaid crime of murder; and, WHEREAS, the aforesaid John H. Harper did on the night of the 30th of July A. D. 1846, break jail and escape from the county jail at town of Independence

in the county of Jackson aforesaid, and is now going at large to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, JOHN C. EDWARDS, Governor of the State of Missouri, do hereby offer a reward of two hundred and fifty dollars, for the apprehension of the said John H. Harper, and for his delivery to the sheriff of Jackson county.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed hereto, the Great Seal of the State of Missouri. Done at the City of
(L. S.) Jefferson, this 4th day of August A. D. 1846;
of the Independence of the United States the seventy-first, and of this state the twenty-seventh.

By the Governor.

JOHN C. EDWARDS.

FALKLAND H. MARTIN,
Secretary of State.

OFFERING A REWARD

AUGUST 18, 1846

From the Register of Civil Proceedings, 1837-1852, p. 358

WHEREAS, it has been represented to me that during the month of June A. D. 1845 a murder was committed in the county of Lafayette and State of Missouri on the body of George W. Neil by one James A. Moorman; and WHEREAS, the aforesaid James A. Moorman did on or about the 24th day of June last, escape from the county of Lafayette aforesaid, and is now going at large to the great detriment of the peace, good order and dignity of the State.

NOW THEREFORE, I, JOHN C. EDWARDS, Governor of the State of Missouri, in pursuance of authority in me vested by law, do hereby offer a reward of *three hundred dollars*, for the apprehension of the said James A. Moorman and for his delivery to the Sheriff of Lafayette County.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed hereto the Great Seal of the State of Missouri. Done at the City of
(SEAL) Jefferson this 18th day of August A. D. 1846, of the Independence of the United States the seventy-first, and of this State the twenty-seventh.

By the Governor.

JOHN C. EDWARDS.

FALKLAND H. MARTIN,
Secretary of State.

FIXING DATE FOR ELECTION OF A REPRESENTATIVE TO CONGRESS

SEPTEMBER 11, 1846

From the Register of Civil Proceedings, 1837-1852, pp. 361-362

*To the Sheriffs of the several counties in the State of Missouri,
Greeting:*

WHEREAS, a vacancy has occurred in the congressional delegation from the State of Missouri to the Congress of the United States, by the resignation of the Hon'l Sterling Price, a representative from said State:

NOW, THEREFORE, I, JOHN C. EDWARDS, Governor of the State of Missouri aforesaid, by virtue of authority in me vested by law, and in pursuance of the provisions thereof, do, hereby issue this my proclamation, commanding you to cause proclamation to be made in the several counties of this State, giving at least fifteen days notice thereof, for the purpose of holding an election at the several election precincts in each and every county in said State on *Saturday the 31st day of October, A. D. 1846*, to elect a member to the congress of the United States, to supply the vacancy in that body, caused by the resignation aforesaid.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed hereto, the Great Seal of the State of Missouri. Done at the City of

(SEAL) Jefferson this 11th day of September, in the year of our Lord one thousand eight hundred and forty-six—of the Independence of the United States the seventy-first, and of this State, the twenty-seventh.

By the Governor, JOHN C. EDWARDS.
FALKLAND H. MARTIN,
Secretary of State.

OFFERING A REWARD

NOVEMBER 2, 1846

From the Register of Civil Proceedings, 1837-1852, pp. 367-368

WHEREAS, it has been represented to me, that Benjamin Smothers did, on the 11th day of June last, commit a murder in the County of Mercer and State of Missouri, on the body of James Kirk; and WHEREAS, the said Benjamin Smothers was arrested and committed to the jail of Mercer County for safe keeping; and WHEREAS, it has been further represented to me, that the said Benjamin Smothers did, in the month of July last, break jail and escape therefrom, and is now going at large to the great detriment of the peace, good order, and dignity of the State.

NOW, THEREFORE, I, JOHN C. EDWARDS, Governor of the State of Missouri, in pursuance of authority in me vested by law, do hereby issue this my proclamation, offering a reward of two hundred and fifty dollars for the apprehension of said Benjamin Smothers and his delivery to the Sheriff of Mercer County.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed hereto the Great Seal of the State of Missouri. Done at the City of
(L. S.) Jefferson, this 2nd day of November, in the year of our Lord 1846, of the Independence of the United States the seventy-first, and of this State the twenty-seventh.

By the Governor: JOHN C. EDWARDS.
FALKLAND H. MARTIN,
Secretary of State.

ON THANKSGIVING

NOVEMBER 6, 1846

From the Register of Civil Proceedings, 1837-1862, p. 368

WHEREAS, it is considered right among the nations of the earth who possess the benign religion of the Prince of Peace, that we should cheerfully and gratefully acknowledge the goodness and mercy of Almighty God—displayed in the preservation of our lives, of our civil and religious liberties, and for every blessing, both temporal and spiritual which we enjoy:

And WHEREAS, the abundant fruitfulness of the year—and the protection of the State from invasion, tho' engaged in waging a rightful war with a foreign power at this time—protection from insurrection, from intestine commotion of all kinds—the protection of our citizens from the dire plagues of pestilence & famine call for a return of thanks to *Him* whose *will* has caused these blessings—.

NOW, THEREFORE, under a full sense of duty and obligation—in accordance with a time honoured custom, and in conformity with the expressed wishes of various Christian sects, I, JOHN C. EDWARDS, Governor of the State of Missouri, do, by this my proclamation, recommend to the good people of this State, that, without any distinction of sect, denomination, or creed—they observe *Thursday, the third day of December next*, as a day of thanksgiving to Almighty God, for his favours, nationally and individually.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of
(L. S.) Jefferson, this sixth day of November A. D.
1846.

By the Governor.

JOHN C. EDWARDS.

FALKLAND H. MARTIN,
Secretary of State.

OFFERING A REWARD

JANUARY 13, 1847

From the Register of Civil Proceedings, 1837-1852, pp. 374-375

WHEREAS, it has been represented to me that on the 23rd day of September, A. D. 1846, a murder was committed in the county of Dade in the State of Missouri, on the body of *Shirley Tisdale*, by Benjamin Hail, Wm. Sprowles, Choice H. Kerby, Haynes Gaunt, Edwin Hendrick, Joseph C. Hail, Patric Hail and Whitefield C. Lepors—and WHEREAS, at an adjourned term of the Circuit Court within and for the county of Dade, commencing on Monday, the 14th day of December A. D., 1846 the grand jury found a true bill against the aforesaid Benjamin Hail, Wm. Sprowles, Choice H. Kerby, Haynes Gaunt, Edwin Hendrick, Joseph C. Hail, Patric Hail and Whitefield C. Lepors, for the murder of the aforesaid Shirley Tisdale: and WHEREAS, five of the persons above named to wit Benjamin Hail, Wm. Sprowles, Choice H. Kirby, Haynes Gaunt and Edwin Hendrick, are not in the custody of the law, but are going at large, to the great detriment of the peace, good order and dignity of the State:

NOW, THEREFORE, I, JOHN C. EDWARDS, Governor of the State of Missouri, do hereby offer a reward of two hundred and fifty dollars for the apprehension of the aforesaid fugitives, to wit, Benjamin Hail, Wm, Sprowles, Choice H. Kerby, Haynes Gaunt and Edwin Hendrick; or fifty dollars for each or either of them, and his, or their delivery to the sheriff of Dade county.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed hereto, the Great Seal of the State of Missouri. Done at the City of (L. S.) Jefferson this 13th day of January A. D., 1847, of the Independence of the United States the seventy-first, and of this State the twenty-seventh.

By the Governor.

JOHN C. EDWARDS.

FALKLAND H. MARTIN,
Secretary of State.

OFFERING A REWARD

FEBRUARY 8, 1847

From the Register of Civil Proceedings, 1837-1852, p. 377

WHEREAS, it has been represented to me that on the night of the 16th of January A. D. 1847, William C. Victor, who had been committed for various burglaries, did break jail and escape from prison in Platte City— and WHEREAS, the aforesaid William C. Victor is still going at large to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, JOHN C. EDWARDS, Governor of the State of Missouri do hereby offer a reward of one hundred dollars, for the apprehension of the aforesaid William C. Victor, and his delivery to the Sheriff of Platte county.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed thereto the Great Seal of the State of Missouri: Done at the City of
(L. S.) Jefferson, this 8th day of Feb. A. D. 1847. of the Independence of the United States the 71st and of this State the 27th.

By the Governor,

JOHN C. EDWARDS.

FALKLAND H. MARTIN,

Secretary of State.

OFFERING A REWARD

SEPTEMBER 9, 1847

From the Register of Civil Proceedings, 1837-1852, p. 414

WHEREAS, it has been represented to me, that in the month of August, A. D. 1847, a murder was committed in the county of Washington and State of Missouri, on the body of William S. Loucheigner, by one Patrick O'Hanlin, and WHEREAS, the aforesaid Patrick O'Hanlin was arrested, and in the custody of the law, but afterwards escaped there-

from and is now going at large, to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, JOHN C. EDWARDS, Governor of the State of Missouri, do hereby offer a reward of two hundred and fifty dollars, for the apprehension of the said Patrick O'Hanlin, & for his delivery to the Sheriff of Washington county, in the state aforesaid. The said reward of two hundred and fifty dollars, to cover all expenses.

In Testimony Whereof, I have hereunto set my
(SEAL) hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this ninth day of September, A. D. 1847.

By the Governor, JOHN C. EDWARDS,
FALKLAND H. MARTIN,
Secretary of State.

ON THANKSGIVING

SEPTEMBER 9, 1847

From the Register of Civil Proceedings, 1837-1852, p. 415

WHEREAS; it is considered right; and is a time-honoured custom among the nations of the earth who profess the christian religion—, to publickly cheerfully and gratefully acknowledge the goodness and mercy of Almighty God—, as displayed in the preservation of our lives, of our civil and religious liberties, and of every blessing, both spiritual and temporal which we enjoy: and

WHEREAS, the great and abundant fruitfulness of the year—, the protection of our State from invasion, tho' engaged in waging a rightful war with a foreign power at this time—, the signal victories he has vouchsafed to our arms—, the preservation of our soldiers in the hour of battle—, protection from insurrection, and from intestine commotion of all kinds: the protection of our people from the dire plagues of pestilence and famine—, and the general health, and signal temporal prosperity of our citizens; call for a

return of thanks to *Him* whose will has caused these blessings—.

NOW, ~~THEREFORE~~, I JOHN C. EDWARDS, Governor of the State of Missouri, under a full and clear sense of duty and obligation, and in conformity with the expressed wishes of various christian churches, do, by this my proclamation, recommend to the good people of this State, that without any distinction of sect, denomination or creed, they observe *Thursday, the twenty-fifth day of November next*, as a day of Thanksgiving to Almighty God, for his manifold favours, nationally and individually.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed hereto, the Great Seal of the State of Missouri. Done at the
(SEAL) City of Jefferson this ninth day of September, in the year of our Lord one thousand eight hundred and forty-seven.

By the Governor

JOHN C. EDWARDS.

FALKLAND H. MARTIN,
Secretary of State.

OFFERING A REWARD

OCTOBER 29, 1847

From the Register of Civil Proceedings, 1837-1852, p. 419

WHEREAS; it has been represented to me that on the sixth day of September, 1847, a murder was committed in the County of Mississippi and State of Missouri on the body of Edward Hale by John Dawson and Calvin Randol; and WHEREAS; the aforesaid John Dawson has made his escape from the custody of the law, and is now going at large to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I JOHN C. EDWARDS, Governor of the State of Missouri, do hereby offer a reward of one hundred and fifty dollars for the apprehension of the said John

Dawson and for his delivery to the Sheriff of Mississippi County.

(L.S.) In Testimony Whereof I have hereunto set my hand and caused to be affixed hereto the great seal of the State of Missouri. Done at the City of Jefferson the twenty ninth day of October, in the year of our Lord 1847, of the Independence of the United States the Seventy-Second and of the State of Missouri the twenty-eighth.

By the Governor,

JNO. C. EDWARDS.

FALKLAND H. MARTIN,
Secretary of State.

ON THANKSGIVING

JULY 28, 1848

From the Register of Civil Proceedings, 1837-1852, p. 446

WHEREAS, it is deemed proper, to publicly and gratefully acknowledge the goodness and mercy of Almighty God; as displayed in the preservation of our lives, of our civil & religious liberties, and of every blessing, both spiritual and temporal which we enjoy; and, WHEREAS, The abundant fruitfulness of the year—the protection of our people—the happy state of peace and harmony in which we live, whilst other countries are convulsed with commotion & discord—the protection of our people from the sore plagues of famine and pestilence; and the general health & prosperity of our citizens, call for an offering of thanks to Him whose will has caused our happy condition:

NOW, THEREFORE, I, JOHN C. EDWARDS, Governor of the State of Missouri, under a solemn sense of duty and obligation, & in conformity with the expressed wishes of various Christian Churches, do by this my proclamation, recommend to the good people of this State, that, without any distinction of sect, denomination or creed, they

observe *Thursday*, the twenty-fourth day of November next as a day of Thanksgiving to Almighty God, for his manifold favours.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed hereto the Great Seal of the State of Missouri. Done at the
(SEAL) City of Jefferson this twenty-eighth day of July, in the year of our Lord one thousand eight hundred and forty-eight, of the Independence of the United States the seventy-third and of this State the twenty-ninth.

JOHN C. EDWARDS.

By the Governor,
FALKLAND H. MARTIN,
Secretary of State

OFFERING A REWARD

NOVEMBER 3, 1848

From the Register of Civil Proceedings, 1837-1852, pp. 460-461

WHEREAS, it has been represented to me, that a murder has been committed in the county of Mississippi in this State, on the body of Edward Hale, by one John Dawson; and WHEREAS, the aforesaid John Dawson was committed to the county jail of the county of Cape Girardeau, for safe keeping & to await his trial in the county of Scott, to which, there was a change of venue from the county of Mississippi. And WHEREAS, on the night of the 21st of September, A. D. 1848, the said John Dawson (by the aid of his friends) burned the jail and made his escape therefrom, and is now going at large, to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, JOHN C. EDWARDS, Governor of the State of Missouri, do hereby offer a reward of three hundred dollars for the apprehension, and delivery of the said John Dawson to the sheriff of Cape Girardeau county

(SEAL) In Testimony Whereof, I have hereunto set my hand and caused to be affixed hereto the Great Seal of the State of Missouri. Done at the City of Jefferson, this third day of November, A. D. 1848. Of the Independence of the United States the seventy-third and of this State the twenty-ninth.

JOHN C. EDWARDS.

By the Governor
FALKLAND H. MARTIN,
Secretary of State.

MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

NOVEMBER 23, 1844

From the Register of Civil Proceedings, 1837-1852, p. 271

The Governor issued a writ of election addressed to the Sheriff of Decatur County, directing him to cause an election to be held in his County, according to law, after giving seven days previous notice thereof, for a Representative from said County, a vacancy having been certified to the Governor by the Speaker of the House of Representatives.

JANUARY 17, 1845

From the Register of Civil Proceedings, 1837-1852, p. 276

The Governor issued a writ of election directed to the Sheriff of Pulaski County, commanding him to hold an election in said County, according to law, after having first given six days notice thereof, to elect a representative from said County, in the 13th General Assembly of the State of Missouri, that office having been declared vacant by a resolution of H. Reps.

JANUARY 21, 1845

From the Register of Civil Proceedings, 1837-1852, p. 276

The Governor issued a writ of election, similar to the one issued on the 23rd day of November 1840, for a representative from the County of Decatur, to be carried by a special messenger, by virtue of an act of the General Assembly approved on the 20th inst.

JANUARY 28, 1845

From the Register of Civil Proceedings, 1837-1852, p. 277

The Governor issued a writ of election, addressed to the Sheriff of Platte County, directing an election to be held in said County according to law, for a representative in the 13th General Assembly of the State of Missouri, from said County of Platte, to fill the vacancy occasioned by the resignation of Bela M. Hughes, Esq. He was directed to give two days previous notice thereof.

FEBRUARY 11, 1845

From the Register of Civil Proceedings, 1837-1852, p. 278

The Governor issued a writ of election addressed to the Sheriff of Morgan County, directing him to cause an election to be held in the Counties of Morgan, Miller, Camden & Pulaski, to supply a vacancy occasioned by the resignation of William Morrow. The sheriff was directed to give—days notice thereof.

MARCH 3, 1845

From the Register of Civil Proceedings, 1837-1852, p. 282

The Governor issued a proclamation offering a reward of Two hundred dollars for the apprehension and delivery to the Sheriff of Washington County of James H. Miner, charged with having on the 18th day of January 1845, murdered one John Byrd in said County.

MARCH 22, 1845

From the Register of Civil Proceedings, 1837-1852, p. 286

The Governor offered a reward of Two hundred dollars for the apprehension of Augustine Wolfe, and his

delivery to the Sheriff of Camden County, said Wolfe having made his escape from the jail of Camden County, on the 16th December, 1842, in which jail he was confined under a charge of having murdered one Proctor Cass.

MAY 12, 1845

From the Register of Civil Proceedings, 1837-1852, p. 296

The Governor issued a proclamation offering a reward of Two Hundred dollars, for the apprehension of Robert M. Turk and for his delivery to the Sheriff of Polk County. Said Turk being charged with the murder of Jacob Dobkins and of Thomas I. Hobbs.

JUNE 13, 1845

From the Register of Civil Proceedings, 1837-1852, p. 300

The Governor issued a proclamation offering a reward of two hundred dollars for the apprehension of Isham Hobbs, and his delivery to the sheriff of Benton county. Said Hobbs being charged with the murder of Abraham Nowell.

JULY 10, 1845

From the Register of Civil Proceedings, 1837-1852, p. 303

The Governor issued a proclamation, offering a reward of one hundred and fifty dollars for the apprehension of William Campbell, and his delivery to the sheriff of Washington—said Campbell being a convict to be sentenced to the penitentiary for ninety nine years, for the murder of Marion Wisdom of the County aforesaid, said Campbell having escaped from his guard in Osage county.

Campbell was caught before the publication of the proclamation, which was withdrawn.

AUGUST 21, 1845

From the Register of Civil Proceedings, 1837-1852, p. 306

The Governor issued his Proclamation offering a reward of one hundred dollars for the apprehension of David Porter, who stands charged with "shooting with intent to kill" one Silas Kesinger, and against whom, for which crime, a true bill was found by the grand jury of St. Charles county at the May term of the Circuit Court A. D. 1845. The said Porter having escaped from prison—the Governor offers the above reward for his apprehension and delivery to the Sheriff of St. Charles county.

AUGUST 30, 1845

From the Register of Civil Proceedings, 1837-1852, p. 307

The Governor issued a writ of election to the Sheriff of Macon County, ordering an election to be held on the first Monday in November next, in the eleventh senatorial district, to supply a vacancy in the delegation from that district to the Convention, occasioned by the death of Waller Head, a member elect.

SEPTEMBER 9, 1845

From the Register of Civil Proceedings, 1837-1852, p. 308

The Governor issued his proclamation offering a reward of one hundred dollars for the apprehension and delivery to the sheriff of Johnson county, of a mulatto slave, John, who, on the night of the 20th of August, A. D. 1845, escaped from jail in the town of Independence in Jackson county, to which jail he had been conveyed for safe keeping from Johnson county, in which last named county, the said John, did in the month of May, A. D. 1845, commit a murder on the body of Wiley Horn.

DECEMBER 24, 1845

From the Register of Civil Proceedings, 1837-1852, pp. 320-321

The Governor issued his proclamation offering a reward of two hundred dollars for the apprehension of, and delivery to the sheriff of Saline county, of Griffith Dickenson, who in the month of December, A. D. 1845, in the town of Arrow Rock, in the county of Saline, committed a murder on the body of one William O'Bagby.

MARCH 27, 1846

From the Register of Civil Proceedings, 1837-1852, p. 343

The Governor issued a writ of election directed to the sheriff of Saint Charles County, commanding him to cause an election to be held on the first Monday in August, A. D. 1846, in the first senatorial district composed of the counties of Saint Charles and Warren, to supply a vacancy existing in that district, occasioned by the resignation of Pines Shelton, who was elected in August, A. D. 1844, for a period of four years.

JUNE 23, 1846

From the Register of Civil Proceedings, 1837-1852, p. 351

The Governor issued his writ, to the Sheriff of the County of Cape Girardeau, commanding him to cause an election to be held in the several precincts in the twenty seventh senatorial district on the first Monday in August next, (viz August, A. D. 1846,) to elect a senator, to fill the vacancy, in the senate of the State of Missouri, occasioned by the resignation of the Hon'l Aaron Snider.

JUNE 8, 1848

From the Register of Civil Proceedings, 1837-1852, p. 443

The Governor issued two writs of election, one directed to the Sheriff of Cole County, commanding him to cause an election to be held on the first Monday in August, A. D. 1848, for a senator in the fourteenth senatorial district, to supply a vacancy in the senate occasioned by the resignation of George W. Miller.—The other directed to sheriff of Lawrence county, commanding him to cause an election to be held on the first Monday in August, A. D. 1848, for a senator in the twenty second senatorial district to supply a vancancy in the senate occasioned by the removal of William Claude Jones from the State of Missouri to the State of Arkansas.

DECEMBER 12, 1848

From the Register of Civil Proceedings, 1837-1852, p. 464

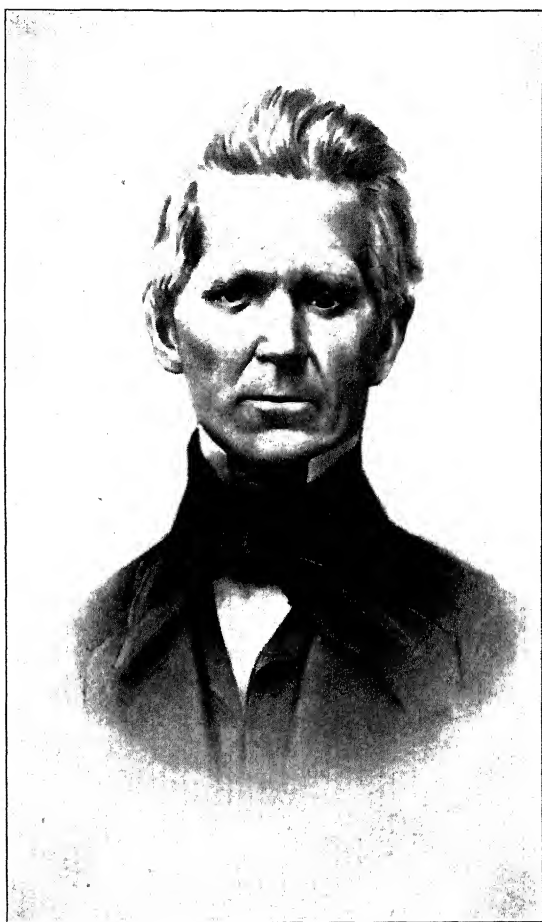
The Governor issued a proclamation offering a reward of one hundred and fifty dollars for the apprehension and delivery Renoah Reeves to the Sheriff of Schuyler County. Said Reeves having been convicted of horse stealing at a called term of the Circuit Court for Schulyer county in November last, and sentenced to the penitentiary for the term of three years.

DECEMBER 13, 1848

From the Register of Civil Proceedings, 1837-1852, p. 464

The Governor issued a proclamation offering a reward of two hundred dollars for the apprehension and delivery of James W. Kimberling to the Sheriff of Crawford county. Said Kimberling having in the month of December, A. D. 1848, at a called term of the Circuit Court of Crawford County having been found guilty of grand larceny and sentenced to the penitentiary for five years.

GOVERNOR AUSTIN A. KING



AUSTIN A. KING
Governor 1848-1853

AUSTIN A. KING

BY

NORTH TODD GENTRY

Austin A. King was born in Washington county, Tennessee, on September 21, 1802, educated in the common schools of that county, read law in a country law office, and practiced for a while in Jackson, Tennessee. He came directly from Jackson to Columbia, Missouri, and he must have made this move in 1830.

From the time he came to Missouri, Mr. King was a Benton-Democrat, and he became prominent as a political and civic leader almost on his arrival. On July 4, 1831, Mr. King was a speaker at a celebration near Columbia. In 1834 and 1836, Mr. King was elected one of the representatives from Boone county, and Boone was a Whig county. In Columbia, he formed a partnership with John B. Gordon; and he and Mr. Gordon ran against each other twice for the legislature, while partners. While in Columbia, Mr. King was associated with the noted lawyers of Missouri; and with them, he "rode the circuit," in company with Judge David Todd, the pioneer jurist.

Mr. King took part in the Black Hawk Indian War and was Colonel of the Missouri troops. In this war, he met Captain Abraham Lincoln, of the Illinois division, and they worked together for their country; and later, he and Lincoln worked together for the same country during the trying times of 1863-65.

In 1837, Col. King moved to near Richmond, Missouri, and was that year appointed judge of that circuit. On July 4, 1843, the county-seat of Caldwell county was laid out, and named Kingston, in honor of Judge King. In his speech on that occasion, Judge King gave his ideas of what Missouri could and would become; and his words now seem prophetic. Judge King not only held the first term of

Circuit court in Caldwell county, but he held the first term in Harrison, Davies, Livingston, DeKalb, Platte, and Buchanan counties.

Austin A. King was elected Governor of Missouri in 1848. He ran against his old friend and former fellow-townsmen, Major James S. Rollins, the Whig nominee. Many years after, in speaking of that race, Major Rollins said,

"The relations between us were very cordial; both of us had served under General Richard Gentry, in the Black Hawk Indian War. During the campaign, Col. King and I would ride together on horse-back along the same road, stop at the same tavern and often sleep in the same bed. Col. King was a Methodist, and had the benefit of the Methodist preacher to be found in nearly every town, with whom he made it a point to get acquainted."

The inaugural address of Governor King is interesting, especially as it is free from egotism. He said,

"I acknowledge a conscious want of experience, and of that high order of qualification, requisite for a satisfactory discharge of the complicated public duties. I enter upon the discharge of the duties of this important trust with a firm reliance upon that Being, who, in all ages of the world, hath inclined the hearts of men to virtuous actions, and strengthened their hands to meet the responsibilities of their various positions; looking to Him to overrule all errors, and give efficiency to all efforts for the public good."

In his inaugural, he also advocated internal improvements, the building of rail roads, turnpike roads, plank roads and toll bridges, also the organizing of fire and life insurance companies, the draining of swamp lands, the betterment of farm conditions, the encouragement of factories and the extension of trade and commerce. He urged the importance of a state geological survey, the opening up of the vast mineral in southwest and southeast Missouri, and the improvement of river transportation. On the subject of education, he said,

"The State University should be the pride of the state. * * * * All of us feel the importance of encouraging the common schools, which are the great magazines and store houses whence education is diffused among the masses. A Normal department should be established in connection with the State University, in which competent instructors may be prepared for the common schools of Missouri. Let Western Universities educate teachers for the West."

But in speaking of certain reforms and the passage of too many laws, Governor King said,

"That people is governed best, which is governed least."

And in commenting on the various internal improvements, he cautioned the law-makers to avoid the evils into which many sister states had fallen; and closed with this admonition,

"Sound policy dictates the rejection of any scheme to burthen the state with a heavy debt, or to impair its credit."

In 1849, the Missouri legislature passed a fugitive slave law, but Governor King vetoed it, for the reason that it was unconstitutional, as congress alone had power to enact such a law. In concluding his veto, Governor King said,

"If, however, it shall suit the views of the legislature that it shall become a law, according to the forms of the constitution notwithstanding, I shall ever be ready to accord to its members that high consideration and purity of purpose which I am sure will govern them in their action. And, as far as may be in the power of the executive, the duties enjoined on him by the law, shall be faithfully performed."

During the same legislature, Governor King addressed that body and enclosed certain slavery resolutions, adopted by the Florida legislature. In his message, Governor King said,

"The subject to which they refer is one full of interest and importance. An investigation of the difficulties that surround this momentous and exciting question, naturally leads us to the apprehension of danger for the permanency of our Union—a danger that can be best avoided by a calm and deliberate consideration of our rights as a sovereign state. We confidently believe, however, that by the exercise of that same spirit and patriotism which has hitherto given direction to the public will, and has thus far enabled us to resist the dangers from without and within, which have threatened our glorious Union, we will be enabled again to dissipate the portentous cloud now silently accumulating, and threatening to burst hereafter with most astonishing effect. By doing so, we will show to the lovers of freedom everywhere how strong are the ties which unite us together in the bonds of a common Union."

In 1849, the Missouri legislature, over Governor King's protest, attempted to instruct Senator Thomas H. Benton how he should vote on the questions of nullification and the extension of slavery: but Benton gave that body to under-

stand that he would not be instructed. He appealed to the people of Missouri, and the result was one of the greatest and one of the warmest political campaigns ever witnessed in our state or nation; and it occurred in an "off year." It was with the greatest difficulty that Governor King maintained order at some of the political gatherings.

And during the King administration, Missouri suffered from the cholera—Attorney-General Wm. A. Robards being one of the victims. This necessitated strict sanitary measures, and Governor King was equal to that emergency. In one of his messages, Governor King recommended the equipment of a hospital in the penitentiary, and the improvement of the sanitary conditions in the shop and cell buildings; although at the time there were only two hundred prisoners confined there.

Governor King advocated the enactment of a pre-emption law, a homestead exemption law, a law pensioning soldiers of the war of 1812 and teamsters in the Mexican war. He was the author of the Missouri code of civil procedure, which was passed in 1849, and he favored other constructive and progressive legislation. He secured the passage of legislative acts for the construction of a wire suspension bridge across the Mississippi river at St. Louis, and acts amending the charters and enlarging the powers of various municipalities. And statutes were passed organizing and naming the counties of McDonald, Dodge (now part of Putnam), Laclede, VanBuren (afterwards Cass), Dent, Stone, Vernon, Pemiscot, and Bollinger. And in 1851, a reform school for boys in St. Louis was chartered—the first step taken by our state in the aid of juvenile offenders. In one of his messages, Governor King recommended the establishment of a state asylum for the insane, a state school for the deaf and dumb, and a state home for the blind; and he secured the passage of acts for those institutions and liberal appropriations for the erection of buildings therefor. During his administration, the general assembly passed acts providing for various mill dams, incorporating schools, academies, library associations, reading rooms,

orphans' homes, horticultural societies, and the Athenaeum Society of the Missouri University. Mining companies, canal companies, navigation companies, fire fighting companies, turnpike road and bridge companies were chartered; and on March 7, 1849, a special charter was granted to the progressive citizens of Howard, Boone, Callaway, Montgomery, Warren, and St. Charles counties, authorizing the construction of a toll road from Glasgow to Fayette, Rochepoort, Columbia, Fulton, Danville, Warrenton and St. Charles, to be known as "Boonslick Turnpike Company." This is practically along the line of the now much talked of "Old Trails Road."

Governor King called the legislature in special session in August 1852, to take the necessary action regarding the Federal grant of lands to the state, to aid in the construction of railroads. But the legislature got into a wrangle over the slavery question, and remained in session from August till December 25th, just two days before the beginning of the next regular session. However, by the use of the greatest diplomacy, Governor King secured the passage of acts granting charters and aid to the Pacific railroad, (now Missouri Pacific), North Missouri railroad (now Wabash), Hannibal & St. Joseph railroad, Iron Mountain railroad, Southwest Branch (now Frisco); and to some shorter lines, such as Independence and Missouri river railroad. In the act regarding the last named road, it is provided,

"The company shall have authority to erect at Independence a warehouse, which shall be used for the purpose of storing Santa Fe and other goods, which may be transported on the railroad, which shall be so constructed as to facilitate the loading of wagons, for the purpose of encouraging the trade."

And the legislature, with his approval, passed acts chartering religious bodies and organizing two temperance societies, and at the same time an "act to promote the growing of wine in Gasconade county."

While in office, Governor King was a witness and testified for the famous damage suit of James H. Birch

vs. Thomas H. Benton, in which it was claimed that Benton called Birch "a whining cur." But in spite of plague, excitement, and state and national differences, and especially the differences in his own political party, Governor King's administration of four years was a credit to his party and to his adopted state; indeed his record places him ahead of his time.

Just before his gubernatorial term ended, Governor King entered the race for congress in the Ray county district, of course as a Benton-Democrat, but he was defeated; and two years later, 1854, he was the candidate of the Benton-Democrats for the legislature in Ray county, but was defeated by a small majority.

In 1860, Governor King was a follower of Stephen A. Douglass; and during the Civil war, he was an uncompromising Union man. In the midst of the war, 1862, Governor King was elected to congress as a Union-Democrat; and, with his former opponent, Major James S. Rollins, stood by President Lincoln, and rendered the country the greatest service.

Austin A. King was a staunch advocate of higher education, and showed his interest in that cause many times. In 1833, he was secretary of the Boone county meeting that established Columbia College, which has been well termed, "The seed from which grew the State University." And during the same year, he assisted in organizing the Columbia Female Academy, one of the first institutions of learning for young women in the state. Col. King, Dr. William Jewell, Rev. Moses U. Payne, and Roger North Todd were its first trustees. This academy was the forerunner of Stephens College and Christian College. In 1851, the people of Richmond tried to secure the location of Westminster College, but failing they established Richmond College, and Governor King was one of its trustees. He was also a member of the school board of his home; and one of the public schools of Ray county is located on ground where Governor King once lived, and is known as the "King School." As governor, he recommended the estab-

lishment of a separate department for education, the official to be known as state superintendent of schools, also a county superintendent of schools for each county, also a school board of three men in every school district, and the permanent endowment of the state university. The advocacy of such valuable educational legislation places Governor King in the front rank of executives of this or any other state.

Governor King was a man of courage and deep convictions, yet he never harbored personal spite against his political opponents. Although the race between Rollins and King in 1848 was a lively one; yet in 1858 King and his sons voted for Rollins, again the Whig nominee for Governor, in preference to Robert M. Stewart, the Democratic nominee. Governor King said that he did this because Major Rollins advocated measures approved by him; and he voted for measures rather than men.

Although a life-long slave-holder, Governor King opposed Missourians taking part in the Kansas election, when the Lecompton constitution was an issue; yet he knew that the admission of Kansas as a free state would be a serious blow to slavery. When he was convinced that slavery was wrong, he was one of the few Democrats in congress who voted in February, 1865, for the constitutional amendment abolishing slavery; though he knew at the time, and so wrote to his son Thomas Benton King, that such a vote was going to cost him his political life, as his district was overwhelmingly pro-slavery.

The *Missouri Republican*, afterwards *St. Louis Republic*, says that Governor King went to St. Louis in April, 1870 (and his son Thomas corroborates the statement) to take part in the last one of the Civil War cases, the case of Joseph A. Berry vs. Thomas C. Fletcher and Bacon Montgomery, a suit for fifty thousand dollars damages in the U. S. Circuit court. Mr. Berry was editing the *Missouri Freeman* in Richmond, in November, 1866, when he claimed that Governor Thomas C. Fletcher ordered the Missouri Militia, under General Bacon Montgomery, to arrest him; and, in doing so, wrecked his printing establishment and insulted

him. Messrs. John R. Shepley and T. T. Gantt were associated with Governor King in behalf of the plaintiff, and General John W. Noble and Chas. P. Johnson represented the defendants—a brilliant array of Missouri lawyers. The court records show that the jury decided in favor of Governor Fletcher, but against General Montgomery in the sum of fifty dollars. At the conclusion of an able argument in that case, Governor King was taken ill, and carried to his room in a hotel in St. Louis, where he lingered for six days and died on April 22d, 1870. Accompanied by many friends in St. Louis and vicinity, the remains of Governor King were carried on a special train on the North Missouri railroad (a road that he had done so much to promote) to his Ray county home, where an appropriate funeral service was held, and the burial was on his own farm. Later, his body was removed to the Richmond cemetery, which is one mile and a half from his county home.

In 1903, the Missouri general assembly appropriated fifteen hundred dollars to erect a monument over the grave of Governor King; and that handsome shaft stands today a slight token of the appreciation of the people of Missouri of an illustrious son, who, as a private citizen as well as a public official, was active, honorable and fearless, and who did a great work for our state and our nation. Certainly his independence of thought and action, and his constant desire to do the right thing are worthy of imitation by the sons and daughters of our great commonwealth.

INAUGURAL ADDRESS

DECEMBER 27, 1848

From the Journal of the Senate, pp. 38-43

Senators, Representatives and Fellow-Citizens:

In obedience to the will of the freemen of Missouri, I have just given the solemn pledge prescribed by the Constitution, and now enter upon the duties of the Gubernatorial office. At such a moment I should be unjust to my own feelings, were I not to express, in a becoming manner, my gratitude for the honorable distinction conferred upon me by the voters of Missouri. To be the recipient of public favor, and to be elevated, by the suffrages of freemen, to so distinguished an office, is an honor at all times most flattering in its character.

In contemplating the various duties, alike arduous and responsible, now devolved upon me, I must acknowledge a conscious want of experience, and of that high order of qualifications, requisite not only for a satisfactory discharge of those duties, but even for a right comprehension of them in all their complicated and multiform details. I enter upon the discharge of the duties of this important trust, however, with a firm reliance on that BEING, who, in all ages of the world hath inclined the hearts of men to virtuous actions, and strengthened their hands to meet the responsibilities of their various positions; looking to Him to overrule all errors, and give efficiency to all efforts for the public good. I shall confidently rely also upon the General Assembly, for its co-operation in the inception and consummation of such measures as may be required to secure the prosperity and happiness of the people.

It has become a custom for executive officers, when entering upon the discharge of their duties, to give an outline of the principles by which they will be governed in their official conduct. Indeed a strict regard for the right

of the people to govern themselves, requires that those principles should always be made known in the canvass, so that the voters may determine the policy of the State, and decide by what system of laws public affairs shall be administered. Happily, the principles which I consider ought to be sacredly observed in the administration of the government, have been so plainly laid down by our republican fathers, that we are required only to apply them faithfully to existing circumstances.

The Federal Government, the operations of which affect largely the interest of this, and every other State in the confederacy, will never, if confined within the limits marked out by the constitution, cause the least injury to any of the various pursuits or rights of the American people. It is a government of strictly limited powers, granted to it by the States in their independent, sovereign capacity. Its authority therefore is not original, but delegated; and extends only so far as the constitution prescribes. The powers ceded to it are expressly enumerated, and were bestowed for the accomplishment of those purposes which could not be effectually secured by the separate action of the States.

Here then is a government presented, and we are relieved from looking farther for the sources of its power, than to the instrument which is the basis of its existence. I acknowledge the supremacy of this government, in all the powers given, or duties enjoined by the constitution, but will not assent to implied authority for any purpose, however plausible. It was well understood in the convention which framed the Federal Constitution, and by the States which originally ratified it, that the exercise of any authority, other than that mentioned, would be a violation of the letter and spirit of the compact, and an unjust encroachment upon the reserved rights of the various members of the confederacy. It may not be improper, in consideration of recent events, to state that one of the parties into which the people have been divided for fifty years, claims for the Federal Government, constructive powers almost without

limit; thus sweeping within the general or central vortex the reserved rights of the States and of the people, and virtually breaking down the barriers to usurpations which our fathers industriously reared for the protection of themselves and posterity. The consolidation of power is tyranny unchecked. To prevent such an evil, the functions of government in this confederacy are variously distributed, not only into three great departments, each confined within its appropriate sphere, but also among the various governments, Municipal, State, and National, the limits of which are clearly defined. The progress of reform, as manifested by popular discussion, and in the new constitutions recently adopted by some of our sister States, has been towards the creation of new checks or restraints upon legislative authority; thus reserving to the people themselves the direct exercise of a larger class of powers. This is a fuller development of the wise maxim—"that people is governed best, which is governed least." Yet a strange anomaly has just been presented, in the success of a great party which announced that congressional legislation should be virtually unchecked.

But the other party, in whose favor a majority of the voters in Missouri have pronounced, has governed the nation during a greater portion of its independent existence. It holds to a strict construction of the constitution, insists upon the due observance, by each of the departments, of all the obligations resting upon it, and demands that no authority shall be exercised by any of the governments, States or National, nor by any of the departments of government, which does not clearly belong to it; giving such construction to the Federal constitution, that its powers shall be limited to objects national in their character, and the success of which should redound to the general welfare of all. Hence it has frequently rejected a system of measures looking to the creation of a paper currency, to the favoring of a few industrial pursuits at the expense of the many, and to the conferring of unequal privileges upon some class or section of the Confederacy. It adheres to the

spirit and letter of the federal compact, the compromises upon which it is based, and the equality of the States; and it opposes every measure of a doubtful, sectional or unconstitutional character.

In reference to the recently acquired territory, purchased alike by the common treasure and blood of us all, I feel but little solicitude whether the people of the territory ultimately subject it to those institutions peculiar to the south; yet I do feel a deep solicitude for a proper maintenance of our rights, and deny to the General Government any power to debar us from an equal participation in that territory, or to impose terms on us in reference to our property, which would not bear alike upon every member of the Union. At the time of the admission of Missouri, as a State, into the Union, terms were sought to be imposed on us, in reference to this subject, which resulted in a compromise, brought about by conciliation and concession, and which we are yet ready to abide; though in its adoption, the south, guided by the same spirit which brought about the compromise that resulted in the adoption of our Federal Constitution, magnanimously surrendered a portion of her constitutional rights.

An enlightened policy in reference to the administration of our State affairs, requires that equal and exact justice should be observed towards all, whatever their political or religious sentiments; that the faith of the State should be kept untarnished and its credit inviolate; that a rigid system of economy should be practised, and public officers held to a frequent and strict accountability; where evils exist there should be a remedy by general, rather than special laws; that the laws should be so framed and faithfully administered as to secure to each and all the rights belonging to them, and to advance the general prosperity; and according to the true theory of our government, population should, as near as can, be equally represented, so that those who are required to obey the laws should have an equal and fair participation in their adoption. These are primary truths which will command unqualified assent.

There are a few subjects, however, the importance of which justifies special notice. In a government based on the popular will, general education is among the objects of executive and legislative action. The direction which may be given to public affairs, depends upon the intelligence, not of the few alone who fill important offices, but also of the masses who are the source of political power. Hence it becomes one of the first duties of the State, to provide as far as its immediate resources, and the condition of the people will permit, for the education of every child within its limits. Such is the best mode of perpetuating the rights and privileges bequeathed to all. The force of public sentiment is the lever by which free governments are moved; and that those governments may receive a healthful direction it is necessary that public sentiment should be virtuous and enlightened. Let us, therefore, Senators and Representatives, upon whom our common constituents have devolved important trusts, give all possible countenance and efficacy to that spirit which leads to moral and intellectual culture; so that ultimately every farm house and log cabin may be stored with useful books, and each inmate become qualified for all the duties which society imposes. Intelligence would then beam from every eye, contentment smile in every countenance, and each fireside become the scene of purest pleasure. Although our present means may not enable us to enjoy these blessings at once, let us not despair of finally reaching the very maximum of our wishes. It is emphatically the cause of the people. Each year we may advance a little,—slowly—but surely—until we extend our schools into every township, and elevate them to an intellectual standard worthy a free and exalted people.

Our University should be the pride of the State; reared, as it is, in one of our central counties, and munificently endowed by its intelligent and hospitable inhabitants, I shall ever feel the most lively interest in its success. And while I entertain a just solicitude for that and every other literary institution in the State, I must urge especially the

importance of encouraging common schools, which are the great magazines and store-houses whence education is diffused among the masses. It may be proper to establish, ere long, a Normal school or department, in connection with the University, in which competent instructors may be prepared for the common schools of Missouri. Let western universities educate teachers for the West. In all that appertains to this important subject, as the chief Executive of the State, I here stand pledged to the people, that in the inception and consummation of such measures as may be necessary for the success of the educational cause, I shall at all times give my most hearty co-operation.

The rapid progress of Missouri in population and wealth, has demonstrated the propriety of reforming the organic law of the State, and husbanding its resources for the fuller development of its vast mineral and agricultural products. Within one generation, it may be said, Missouri has outgrown her constitution. The mode originally adopted to secure to the people control of the government, has ceased, in its practical operation, to give due effect in legislation to the popular will.

Perhaps no State in the American Confederacy can boast of mightier natural resources. Although we have a soil unsurpassed in fertility and adapted to the growth of nearly all the great staples of the country—mineral deposits of inestimable value—mountains of iron, vast beds of copper, lead, cobalt, and coal—and navigable streams stretching in nearly every direction, yet only a small portion of that soil has been cultivated and a few of those mines worked, or, indeed, their extent and existence become generally known. A geological survey is demanded by a due regard for present and future prosperity. As the Federal Government is still the proprietor of large tracts of land, the sale of which would be promoted by such a survey, it can be justly appealed to for aid in the enterprise. Such a survey, together with liberal charters for mining companies, guarding in them the just rights of the people, at the same time giving assurance that the investment of capital should have

a fair opportunity of reaping its appropriate reward, cannot fail to open up to us brighter prospects for the future.

We have received from the general government what is known to be the three per cent. fund, also a donation of 500,000 acres of land, all of which was appropriated and designed to constitute an internal improvement fund; and while it is not my purpose to call in question the wisdom of that policy which has heretofore dictated the disposition of those funds, yet I feel that we may well construe our constitutional duties to require of us "to provide by law for a systematic and economical application of the funds appropriated to those objects." At the entrance of Missouri into the Union, it was agreed by the Federal Government that "five per cent of the net proceeds of the sales of lands lying within the said Territory or State, and which shall be sold by Congress, from and after the first day of January (1821,) after deducting all the expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifth shall be applied to those objects within the State, under the direction of the legislature thereof, and the other two-fifths in defraying, under the direction of Congress, the expenses to be incurred in the making of a road or roads, canal or canals, leading to the said State." Since that time, the introduction of steam power, and the increasing facilities for travel and transportation afforded by steam boats and railroads, have, in the opinion of Congress, as shown by its repeated refusals of late years to make appropriations for objects to which this fund might be applied, superceded the necessity of continuing such appropriations. The State of Missouri, therefore, has an equitable claim upon the General Government for the appropriation of this two per cent fund, amounting, at this time to about 220,000 dollars. We are assured by the liberality of Congress towards severel of our sister States, in reference to this same subject, that we have only to designate objects worthy of appropriations, in order to obtain all we desire. We need hardly expect appropriations, however, if the objects designated are so numerous that a

division of the fund will be of no essential benefit to either.

The Osage river can be easily rendered navigable for a considerable portion of the year. It drains an immense extent of country, and is the natural outlet for its teeming products. That we should give aid to so important a measure, when we have the power to do so, without burthening the people with additional taxes, it needs no argument from me to enforce. The enterprising spirit shown by the people in the region of the Grand river country, and along the line of the Hannibal and St. Joseph rail road, by the liberal subscriptions for stock already made, and the prospect of a grant of land by Congress along the route, makes it probable that at no distant day, with such additional aid as can be afforded, consistent with the rights of other portions of the State and without imposing additional taxes on the people, we may witness the accomplishment of this most desirable object.

The extreme South-eastern counties are seriously affected by vast swamps which, according to the recent report of commissioners appointed for the purpose, can be drained at a small cost, and the source of disease removed, so as to render it a most desirable portion of the country. Those lands, if reclaimed, belong to the general government; justice requires therefore that the expense should be incurred by it, or at least that such an arrangement should be made, that the expenses be paid out of the proceeds of the lands reclaimed.

There are other objects to which I might refer, but I deem it unnecessary on this occasion; I have only referred to those, which by the action had upon them, have placed them in advance of others.

In commencing internal improvements at this time, should it be deemed wise to do so, Missouri will have the light, furnished by the sad experience of many sister States, to enable her to escape the evils into which they fell. Sound policy dictates the rejection of any scheme to burthen the State with a heavy debt, or impair its credit. It is presumed the people are not prepared for that increase of taxes which

would be required to meet even the interest upon such a debt as the immediate construction by the State, of any considerable number of the projected improvements, would necessarily entail. Before embarking upon any enterprise, we should examine well, not only the wants to the people, but the means of supplying those wants. Much can be done—perhaps all that is required at present, if the resources of the State, which are properly applicable to internal improvements, be faithfully used for such works. The grants of alternate sections by the General Government in aid of public works in Michigan, Iowa, Illinois and other States, justifies the expectation that like grants will be made for similar purposes to Missouri.

Senators and Representatives: With an intense solicitude for a faithful discharge of all my official duties, I advance to the task assigned me, asking your co-operation and support, which I shall often need, and invoking the aid of HIM who is the fountain of justice, that he may continue to smile upon us and direct our steps in every effort for the public good.

AUSTIN A. KING.

FIRST BIENNIAL MESSAGE

DECEMBER 30, 1850

From the Journal of the Senate, pp. 20-46

Gentlemen of the Senate and House of Representatives:

The period has again arrived when the representatives of the people are required to assemble and consult together for the public good.

The constitution requires that "the Governor shall, from time to time, give to the general assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient."

I enter upon the performance of this duty with a due sense of the weight of obligation resting upon me—that in co-operation with you, the people, our common constituents, have devolved upon us the important duty, for the time being, of giving point and direction to the destiny of our growing and prosperous State, of developing its resources and elevating its character.

We have assembled under the most favorable auspices to do good. Enjoying the blessings of health throughout our favored land, surrounded with the abundance calculated to render us contented and happy, and every branch and department of industry receiving its merited reward.

Our tribute of gratitude is due to HIM who has so bountifully bestowed these blessings upon us, and we should invoke His aid to give direction to all our counsels, and enable us to characterize all our acts with prudence and wisdom.

I shall endeavor to cultivate the most amicable relations between the co-ordinate branches of the government, and feel assured that, in an object so necessary to promote the best interests of our common constitutions, I shall meet with the co-operation of the legislature.

The financial condition of the State, affords gratifying evidences of our prosperous condition, a statement of which in detail you will find in the report of the Auditor, to be laid before you. I recommend this report to your favorable consideration, as affording evidence also of the ability and faithfulness with which the affairs of that office have been conducted by its present incumbent.

The fiscal year having been so changed as now to commence on the first day of January of each year, it is not in the power of the Auditor and Treasurer to afford the information necessary to show the condition of the finances in the last quarter of the last fiscal year, in time to be laid before the legislature in this communication. From the 1st day of October, 1848, to the first of October, 1849, there was, of the revenue fund, received into the Treasury, \$227,075.49. From the 1st October, 1849, to 1st October, 1850, \$293,659.80; add to this, balance in Treasury on 1st October, 1848, \$318,840.83, making the sum of \$839,576.12. From this amount there must be deducted, as drawn from the Treasury, \$271,005.31, the accounts for which, will be shown in detail by the Auditor's report. It will be subect to an additional deduction of \$80,376.27, composed of interest coupons upon State bonds, and of State bonds taken in at the Treasury, and for which the Treasurer, as yet, has no credit upon the books in the Auditor's office. Deduct these two amounts, and it leaves in the Treasury, on the 1st October, 1850, \$488,194.54.

The aggregate statement for the year 1850, has not yet been returned from all the counties, but an examination of these returns for the year 1849, shows the amount of taxable property, according to its assessed value to be seventy-nine million four hundred and fifty-six thousand five hundred and forty-seven dollars ninety-seven cents. In arriving at this sum the assessed value of lands is \$31,512,391.77; the value of town lots is \$22,441,468; the value of slaves is \$17,772,180; other personal property is \$7,731,508.20.

The revenue for the last two years, up to 1st of October,

1850, and which has been received into the treasury, amounts to \$520,735.29, and it is estimated, if the present rates and objects of taxation should not be altered, that the revenue to be received into the treasury for the next two years, will not fall short of \$650,000. This, together with the amount now in the treasury, will be a sum sufficient to defray the ordinary expenses of the government; to meet any probable appropriations made by the legislature; to pay the interest on the State debt as it becomes due, and to pay the State bonds, constituting the State debt, as they become due.

The legislature, however, may deem it a duty to alter the manner of obtaining revenue, so far as to change the objects of taxation. A portion of the revenue, something less than one-third of it, is now collected under the license system. The right of the State thus to levy a tax, has, for the first time, been called in question as being in violation of the constitution. The matter is now pending before the supreme court, and it is to be regretted that the question could not have been settled before the sitting of the legislature. The decision of this court, even though it may deny to the State the right to exercise this, the highest act of sovereignty, will be final, and its mandates are to be obeyed until reversed. The legislature, however, cannot undertake to shape its legislation in anticipation of this decision; neither is it my purpose to enter into an elaborate argument to show what that decision ought to be, and upon that hypothesis to recommend any legislation as to the objects of taxation, nor call in question any anticipated decision of the court, even though it should go to the extent—already indicated—of declaring that the legislature has not the constitutional power to levy any tax, by way of granting a license or special privilege to any person to exercise any business or calling whatever. The State, in the exercise of one of its highest prerogatives, can tax any and every thing not prohibited to it by the constitution of the United States, the compact of this State with the general government, or the constitution of Missouri. The only limitation upon this power by the constitution of this State is, that all property

subject to a tax, shall be taxed in proportion to its value. This does not prohibit the legislature from saying what property shall be subject to taxation. It may designate what species of property shall be subject to taxation, and all property not thus designated will be exempt.

This clause in the constitution, therefore, only operates as a limitation upon the power of the legislature, to the extent that when property is by law made subject to taxation, it is to be taxed according to its value, and the legislature may rightfully resort to any other means of raising revenue, which does not come in conflict with the other restraints upon legislative power, to which I have referred.

I leave it for the legislature to determine as to the oppressive character of the law as it now stands. My convictions lead me to the opinion, that if it should be determined to let the law remain, and abide the decision of the court, it should be greatly modified. The striking injustice and oppressive character of the law, will be made apparent when you examine the table of licenses prepared by the Auditor, which shows its operation.

On the 1st October, 1848, there was a balance in the treasury of the three per cent fund of \$15.49 cents; since then, and up to the 1st of October, 1850, there has been received into the treasury \$16,140, all of which has been apportioned among the counties according to law.

There have been paid into the treasury since the 1st day of October, 1848, and up to the 1st of October, 1850, of the "Internal Improvement Fund," \$139,801.68; of this amount, \$120,461.47 have been paid from the Savannah land office; the balance from the other three offices. There remains of that amount, not yet apportioned, and distributed among the counties, \$24,154.

The Register of each land office is required by law to make a quarterly report of lands sold at this office to the Register of Lands at the city of Jefferson, describing the lands by ranges, townships, sections, parts of sections, by whom entered, and the amount paid for the same. This important duty has not been performed by James H. Dar-

lington, Register of the State land office at Chillicothe, since the 1st of October, 1849, up to which time the last report was made.

I am not in possession of the reasons for the neglect of so important a duty. The Register of Lands is required to record this report in a book to be kept for that purpose, and in this way, constitutes an important link in the chain of title to the purchasers. From this report, also, the only evidence is derived by which the Auditor is to charge the Receiver with the amount of money received by him at the State land office, and when thus charged, he can only have a credit on the books of the Auditor, by paying the amount into the State Treasury. By failure of these reports, this important check upon the Receiver at Chillicothe has been entirely lost. The known integrity of the Receiver, affords good ground to believe that there has, as yet, been no pecuniary loss to the State on account of this neglect. He has regularly come forward and made his quarterly payments at the treasury of the amount which he reported as due, and for which the Treasurer gave him a receipt, upon the production of which to the Auditor, the Treasurer was charged with the amount. The Register of this land office, has, also, for more than twelve months failed to send up to the office of Secretary of State, or make quarterly returns of the certificates showing the purchasers of those lands; consequently no patents have issued for lands sold within that time in this district; nor can the purchasers of these lands obtain their patents until this duty of the Register is performed. Steps should be taken to have the quarterly reports from this office sent up to the Register of Lands, and the Auditor should be invested with power to settle and square the accounts of the Receiver with these reports; and also that the certificates should be forwarded to the Secretary of State, in order that the patents may be issued.

The duties of the other registers, and all the receivers of the different land offices, have been performed with a promptness and energy highly commendable, and render them well worthy the confidence and trust reposed in them.

By a provision in the charter of the bank, it is bound, when required, to act as the fiscal agent of the State, without charge for the same. It has been thus employed in paying interest, as it fell due, upon most of the State bonds. The State has had her revenues deposited in the bank in amounts sufficient to meet these demands. No claim has at any time been presented at the Treasury department, by the bank, for money thus advanced; if it had, the amount would have been audited, and paid by a check on the bank, payable out of the funds of the State.

The bank has, at my request, lately furnished me with an account against the State, commencing in January, 1841, and running up to this time, and claiming as now due, \$124,-026.47. I transmit the account to the legislature, and recommend that the claims of the bank be investigated and settled upon principles of justice, both to it and the State. The items in the account, have reference to money advanced, and interest upon bonds paid for the State, and interest upon these advances. The only question which I have been able to discover, admitting of any controversy, is whether the bank, as the fiscal agent of the State, will be allowed to charge interest upon advances made, when at the same time, the money of the State was in the bank—left there for the purpose of meeting these demands, and subject at all times to their payment.

I feel it my duty to bring before the legislature the subject of a reorganization of the Bank of the State of Missouri, and to recommend such measures as will entirely disconnect the State from it. In taking this step, it is not with a view of finding fault, or casting censure upon those who have heretofore had the management of the bank, but from the belief that there is an inherent defect in the system, under its present organization, and a conviction also of the impolicy of the State becoming a banker, and that if the connection now existing between the State and the bank continues, it will be apt to prove prejudicial to both.

The charter of the bank fixes its capital stock at five millions of dollars, and in compliance with a provision of the

constitution, one-half of which is reserved for the use of the State. Of this reserved stock, only \$272,263.60 have been invested by the State in her own right, and \$675,667.96—the university and common school funds—have also been invested by the State as stock in the bank. In reference to this, the State can only be looked upon in the light of a trustee, responsible for its management, and morally and equitably bound to make it good if any portion of it be lost.

Individuals own of the stock of the bank \$253,962.37, so that according to the charter, the control and management of the bank have been entirely in the hands of the State, or governed by a president and directory elected by the legislature, or appointed by the executive. While the State continues to hold the stock invested, and to be responsible for that of the University and common schools, and the disproportion of the stock held by private individuals, continues as great as it is, it is not my purpose to recommend any change in the management of the bank.

The knowledge derived from the experience of our sister states, strengthened by my deliberately formed opinion, in reference to our own bank, has satisfied me that the State should never invest its funds in any institution, the object and aim of which is to deal in money. In the selection of directors by individual stockholders, the choice is usually made upon a personal knowledge of the individual selected, or upon information derived from those having a like interest in the matter. But in the selection of directors on the part of the State, it is impossible that either the legislature or the executive, can have the same means of making a judicious choice. They are often called on to act, knowing nothing of the individuals recommended for the station, other than recommendations, which speak in general terms of qualifications, without affording any test, by which to discriminate between the applicants. These recommendations may also often proceed from those who have no other object in view, than that of advancing their own interest. With a directory thus selected, having no pecuniary interest in the bank to look after, and most frequently engaged in

other active pursuits, their attention to the duties of a director must necessarily be secondary in its character, and the rights of the State are often liable to suffer for want of a more vigilant guardian of its interest.

With the view, therefore of disconnecting the State entirely from the bank, I recommend that an act be passed, authorizing the State to sell the stock held in her own right, and to withdraw from the bank, as stock, the university and common school funds. The bonds of the State are now out for the amount of our State stock, or in other words, we are now paying a semi-annual interest upon borrowed money to bank upon.

This stock should be sold upon such terms as will pay the bonds, upon which the loan was effected to pay for it, and relieve the State from any future liability for the bonds, or interest on the same. It is believed this desirable object cannot be accomplished, unless some inducements be offered to private individuals to buy out the State stock.

As the charter of the bank has but six years to run, I recommend that it be amended so as to extend it for a definite number of years, and so to alter its provisions, that the bank can go into successful operation under the direction of private stockholders, and with such regulations and restrictions upon the corporation, as may be thought best to secure the public interest.

The charter will allow two and a half millions of private stock to be taken. A bank with this amount of capital, will be of great commercial benefit to the city of St. Louis, and the State at large. While under its present organization, few facilities are afforded to either. Unless its management partakes of the grossest fraud, which I will not allow myself to anticipate, it can be made one of the safest banks in the Union. Protected by the constitution, from the establishment of any other bank, during the existence of its charter, it will have a wide field for its operation, and as far as it is in the power of banks to aid in the advancement of commerce, it can be done.

It may be set up as an objection by some, that as long

as the constitution remains unaltered, no bank can be chartered, in which the State does not own one-half of the stock.

I have no difficulty upon this subject, nor do I believe it will occasion any, when rightly understood. The clause in the constitution reads thus: "The capital stock of the bank to be incorporated shall never exceed five millions of dollars, at least one-half of which shall be reserved for the use of the State."

The charter fixes the capital stock at five millions of dollars, one-half of which is reserved for the use of the State, and in this the constitutional requisition is complied with. The stock is reserved, but it is not imperative on the State to raise money and invest it in this reserved stock. This will depend upon the action of the Legislature, and I believe the reservation to be altogether harmless, for the reason that I am satisfied the State will never claim the stock.

The bonds of the State, outstanding on the first of January, 1849, and which constitute the State debt, amounted to \$956,261. A portion of this amount, \$15,000, the State had borrowed from the branch bank at Palmyra, which, at the maturity of the bonds, on the 19th May, 1849, instead of renewing them for another twelve months, and paying the interest in advance, according to the terms of the loan, I caused to be paid. The sum of \$19,000, constituting a portion, also, of this debt, was borrowed under the provisions of an act to sustain the credit of the State, approved 16th February, 1847. The bonds bore an interest of eight per centum per annum, and redeemable at any time after two years, and payable at the treasury of the State. I caused the holders of the bonds to be notified to present them for payment on the first day of February last, and that no interest would be paid on them after that time. The bonds have been presented and paid, which, together with the interest then due, amounts to \$19,867.59. Although these bonds were payable at the Treasury at any time after two years, yet as there was an omission in the law to authorize the Auditor to draw a warrant for the sum

necessary to pay them, I caused the Treasurer, upon my requisition, to take them up and hold them as money. I now recommend that the Auditor be required to give the Treasurer a credit for the amount on the books in the Auditor's office.

Deduct these two items, amounting to \$34,000, exclusive of the interest paid, from the State debt, and it reduces it to \$922,261.40. From this may also be deducted \$272,263.60, the amount of State stock in the bank, the interest on which is paid by the bank out of the dividend, and the bank is responsible to the State for the principal.

On the 20th May, and the 20th June, 1851, bonds of the State amounting to \$253,261 become due. All of this amount, except \$3,000, is at an interest of ten per centum per annum; this latter amount is at an interest of eight per cent. On the 15th of October, 1851, \$12,000 more of the State bonds, which are at an interest of seven per centum per annum, become due. For the payment and redemption of all of which it will be necessary to make some provision. A very large amount of the balance of the State bonds will become due in 1853. I recommend also, that provision be made for their redemption and payment.

If the revenue laws should be so altered as to make it evident that the State will not have sufficient available means from that source, to pay her bonds at maturity, and the suggestions I have made in reference to the withdrawal of the university and common school funds from the bank, be adopted by the legislature, then, such an arrangement can be made, as will enable the State to take as a loan from these funds, an amount sufficient to pay those bonds. And upon the sum thus borrowed, the State to pay a semi-annual dividend, at the State treasury, at the rate of six per cent. per annum.

I am confident that this arrangement will give to the university a permanence and the means of advancement, which it has so much needed heretofore. And until the State is able to pay her debt, by the ordinary operation of her revenue laws, it would be well to convert this debt, as

far as possible, into a loan from the common school fund. The interest to be paid in the shape of semi-annual dividends, will be sent to every county in the State, from whence it had been collected, and paid into the State treasury as taxes.

The system of assessing and collecting the revenue, from a tax upon land, has in it radical defects, which require some legislation. From an examination of the records in the office of Register of Lands, it will be seen that there was, on the first day of June last, standing in that office, 16,465 tracts of land, which had been advertised, sent out to the proper counties, and offered for sale for the taxes of previous years, and not sold, but returned as forfeited, and upon which there was at that time due to the State \$45,162. In the year 1849, there were returned as delinquent, about 9,000 tracts of land, upon which there was due as taxes to the State, about \$10,000. These two items of forfeited and delinquent lands, show the amount of State tax due up to the first of June last, to be about \$55,162. These lands have been advertised, and were offered for sale in October last, with a view to collect the taxes. The report of sales made to the register of lands, shows that an amount has not been received sufficient to remunerate the State for expenses incurred in advertising and paying collectors' and clerks' fees.

I recommend that a system of numerical assessment be adopted, and that the tax book be required to be so made out as to begin at the lowest number of range and township in each county, and in each township, commencing with section one, and running up to thirty-six; and that town lots in like manner, be numerically assessed. If this system be adopted, it will be most effectual in having lands assessed by their proper numbers. By this plan, also, the State will get taxes upon many tracts of land, which, on account of some negligence or omission, have been dropped from the assessor's book, or were never placed there. To show that this is probable, I shall present one fact for the consideration of the legislature. By the aggregate statement from all the counties in the State, for the year 1849, the number of

acres of land assessed for taxation, is 8,808,603; and by a report from the general land office, it will be seen that up to the 30th of September, 1849, there had been sold and disposed of by the general government, in the State of Missouri, and consequently after the lapse of five years from the day sale, subject to taxation, 13,907,027 acres of land. Take from this the probable number of acres embraced in all the town lots in the State, not embraced in the aggregate statement of the number of acres of land, assessed for taxation, and also the probable number of acres entered within the last five years before, and consequently not subject to be taxed, and yet, in my opinion, it will not reduce the amount, as shown by the general land office report to be entered, by many thousand acres, down to the number of acres, as shown by the aggregate statement to be assessed in the State. The plan of numerical assessment will remedy another error which often happens under the present mode. It is now frequently the case, that the same lands are twice assessed—once upon the resident, and once upon the non-resident list. The consequence is, that the tax is paid upon the one, and the other is returned delinquent.

The county courts will receive great aid from the adoption of this system in correcting the delinquent list, and it will also greatly facilitate the business of the collector in the receipt of taxes. Under the present mode of assessment, and the many errors which occur in carrying its provisions into effect, it is impossible that results should be different from what they are. When lands subject to taxation are offered for sale, there is in many of the counties such a want of confidence in the correctness of the proceeding anterior to that time, that men are deterred from buying, and the lands are returned to the State as forfeited, with an accumulation of costs.

It often happens, also, that the owner of these lands, seeing they are assessed by the wrong numbers, declines paying the taxes on them, knowing that a sale of them would not affect the title to his land.

Much revenue is annually lost to the State, by the

failure of assessors in many of the counties, to perform their duty in ascertaining and assessing property at its then cash valuation. It is frequently the case that property is assessed at not more than one-half the value the owners would put upon it, if asked to do so. This is doing great injustice to those who are correctly assessed, and must deprive the State of a very considerable amount of revenue annually. Some idea may be formed of this delinquency, by looking into the aggregate statement of the value of property assessed in each county in the State for a series of years.

I have examined the aggregate statement of the taxable property for the years 1848, 1849 and 1850, in one of the medium counties, which has for years been steadily increasing in wealth and population, and yet I find this statement to show that the revenue was upwards of \$600 less in 1849 than it was in 1848; and for the year 1850 it was upwards of \$3,000 more than it was in 1849. This is but a sample of the irregularity of the assessment; and, by comparison, such cases will be found to exist in many counties in the State.

By an act of the last legislature, the Governor was authorized to dispose of that portion of the land, (part of the 500,000 acre grant,) which had not been previously selected by the State, amounting to 1,000 and 38-100ths acres. In accordance with the provisions of this law, I have sold the same for \$1,252.98, (being \$1.25 per acre,) which has been paid into the treasury.

By an act of the last legislature, commissioners were appointed to sell the State tobacco warehouse, situated in St. Louis. The Governor is, by the law, invested with power to accept or reject any bid made for the property. But one bid was made, and its amount was \$20,525. This, I considered not a fair price for so valuable a piece of property, and felt it my duty to reject it, and in this opinion the commissioners concurred with me.

The property cost the State \$25,000. Interest upon this amount, at ten per cent,—the interest the State is now paying on the tobacco warehouse bonds—up to the first of October last, is \$18,333.33, and the only remunerating

compensation the State has received from all sources, is \$4,092.31, making the net cost of the property up to October last, \$39,241.02. The property, though very valuable, ought to be sold. It is suggested to me by the commissioners, that if the law were so amended as to allow the property to be divided into convenient parcels, it could with much more certainty, be sold for a fair price. I recommend, therefore, that the law be thus amended.

The subject of the proper manner of stating the accounts of the State of Missouri, for the Three per cent fund, periodically apportioned to the State, at the Treasury department of the General Government, has been brought to my consideration. Upon an investigation of the matter, I was induced to believe, from the manner in which the account had been previously stated, that Missouri failed to get the amount justly due under the compact upon which the claim rests. With a view of ascertaining the just rights of the State, and to have a re-statement of the accounts of the General Land Office, I have employed and appointed as agents for the State, three gentlemen, Messrs. Eldredge, Stewart and Platte. These gentlemen were highly recommended to me for their qualifications and business habits. They proposed, as a compensation for their services, a certain per cent on the amount gained to the State, and to be conditional—dependent upon this contingency. I did not feel authorized to do more than to give them authority to act for the State, leaving it to the legislature to fix the compensation. I lay before the legislature the correspondence on this subject, and recommend that the compensation to these agents be fixed by law. The report received from these agents, shows that from the restatement of the accounts thus far made, and upon principles admitted to be correct, there is an amount already ascertained, that will give to the State an additional sum of more than \$20,000, and before it shall be finally settled, may more than double this amount.

The wise and humane policy of exempting a portion of the property of a debtor from execution and sale, has long been recognized by our law. The object of this wise policy

has been, at all times, to secure articles essential to the maintenance and support of a family, when driven by misfortune into adversity, and to cheer and stimulate them, while thus bowed down, to virtuous actions. The true interests, alike of the debtor, creditor and State, would invite all to become freeholders. Adopt this policy, and you at once offer an incentive to all to secure a little home, where they can rear up their family, educate their children, and become useful members of society. On the other hand, it is a blind policy which places the indigent and the unfortunate in a position of dependence, and at the very time when they need aid, strips them of the means, which alone can afford it. As the law now is, exemptions afford but little practical benefit to those who would desire a homestead, and must necessarily, almost, operate upon those who are tenants. He is allowed some of the products of a farm—tools, horses or oxen to cultivate it—but if he take them, he retains no homestead; thus encouraged to obtain the implements of industry, but forced to use them on the farm of another.

I have heard no objection urged against this policy, which, in my opinion, merits consideration, except the one, that it conflicts with the rights of creditors, and violates the clause of the constitution, which prohibits any law to be passed, impairing the obligation of contracts. As I recommend a homestead exemption, in addition to the property already exempt by law, I trust that it may not be thought out of place that I offer a few reasons to show that there is no force in this objection. Contracts are made by parties, and if sanctioned by law, it promises to enforce performance, should the party decline performance himself. The obligation of a contract, therefore, within the meaning of the constitution, is that law which binds the party making the contract to a performance thereof. Does a law which reserves to the head of a family, his horse, his oxen, or his plough, relieve him from the performance of his contract? Certainly not. The obligation remains yet in force, nor is it impaired in any manner. This question has not

failed to undergo judicial investigation, and the courts have all based their decisions upon the ground, that such legislation acted *on the remedy only*, without infringing at all upon the obligation of contracts, and that it may be made to operate upon past contracts, as well as future. The position here assumed, is sustained by the highest judicial tribunal known to the constitution. In a case before the court involving this point, Chief Justice Taney, in delivering the opinion of the court, says: "If the laws of the State passed afterwards, (that is after the making of the contract,) had done no more than change the remedy upon contracts, they will be liable to no constitutional objection, for undoubtedly a State may regulate, at pleasure, the modes of proceeding in its courts in relation to past contracts, as well as future. It may, if it thinks proper, direct that the *necessary implements* of agriculture, or the tools of a mechanic, or articles of necessary household furniture, shall, like wearing apparel, not be liable to execution on judgment. Regulations of this description have always been considered in every civilized community, as properly belonging to the remedy, to be exercised or not by every sovereignty, according to its own views of policy and humanity." It is absurd to say, that if, as is here admitted, a State legislature may pass laws, exempting from execution and sale necessary implements for the use of a farm, that it may not also exempt a homestead for the same party, in order to render those implements available.

I submit the matter to the legislature, with no other desire than that it shall carefully protect the rights of creditors, while I hope, also that something may be done for the relief of the oppressed, and afford a means of support for the mother, and the education of the young and helpless, which will doubtless do much in the prevention of crime, and the advancement of morals.

Believing that there are too many hallowed recollections connected with the name of Washington cherished by the people of Missouri, to doubt for a moment their wish to contribute in erecting a national monument to perpetuate

his name, I have therefore engaged a block of marble to be prepared from the quarry in Cape Girardeau county, of proper size and dimensions, which I propose to have forwarded to Washington city, to constitute a memorial in the monument, for the State of Missouri, that her citizens participated in the noble work. I ask for an appropriation to enable me to carry this object into effect.

The Lunatic Asylum, authorized to be erected by an act of the last Legislature, has been put under contract, and will be completed sometime during the ensuing summer, ready for the reception of inmates. The building is a beautiful specimen of architecture; one well suited to the humane purposes for which it is intended, and reflects great credit upon the State. The plan of the building, as also the contract and bond for its completion, are on file in the office of Secretary of State. The appropriations made by the last legislature will be expended in erecting the necessary buildings. The asylum will need an additional appropriation to provide the necessary fixtures and furniture, preparatory to the reception of inmates. I have not the means of knowing the amount that may be necessary, but its estimate does not fall short of \$10,000. Considering the humane purpose for which this institution is intended, and the obligation we are under to provide for that unfortunate portion of the human family who are to be its beneficiaries, I feel assured that the legislature will not fail to make the necessary appropriation.

By a resolution of the last legislature, the Governor was authorized to receive, on the part of the State, the distributive share of Missouri, under an act of congress entitled "An act to distribute the proceeds of the sale of the public lands, and to grant pre-emption rights to settlers." This duty has been performed, and there has been placed in the Treasury \$23,200 to the credit of the lunatic asylum, for the erection of which, in part, it had been appropriated.

The boundary line between the States of Missouri and Iowa, has at length been settled by a decision of the supreme court of the United States. The question was, by an act

of the legislature, and by mutual agreement with the State of Iowa, submitted to the decision of this court; its decree, therefore, is final. The court determined what is called the "old Sullivan line" to be the true boundary, with its extension west to the Missouri river. With a view to establish and mark this line, the court, in its decree, appointed two commissioners, H. B. Hendershott, Esq., of Iowa, and the Hon. Robert W. Wells, for Missouri. The latter, on account of other indispensable duties, was unable to perform this important trust, and declined the same. Gen. William G. Minor was then appointed by the court on the part of Missouri. The two commissioners have performed the duties assigned them by the decree. Their report has been made to the supreme court, a duplicate of which, together with the report of surveyors, field notes and map of the survey, and statement of expenditures, have been furnished to me, and which I have caused to be filed in the office of the Secretary of State.

The whole costs and expenses are, by the decree of the court, to be equally divided and paid by the two States. I have not yet received a copy of the final decree from the supreme court, nor am I able to arrive at what the court will allow, as compensation, to the commissioner and surveyor.

Incidental expenses incurred by our commissioner in fulfilling the decree, a copy of which, with the proper vouchers, as I before remarked, are on file in the Secretary's office, and amount to \$2,099.86. Of this amount \$1,935.27 have been paid, upon my requisition, out of an appropriation of \$2,000, which had been made to meet the costs and contingent expenses of the case in the supreme court. There remains in the treasury, of this appropriation, \$64.73.

Another appropriation of \$3,000 was made, to be used in the settlement of the controversy between Iowa and Missouri. This sum by a contract made by my immediate predecessor with the Hon. Carty Wells, and the Hon. James S. Green, was agreed to be paid to them as attorneys, on the part of Missouri, in the cause to be tried in the Supreme Court. Out of this amount the costs incurred by the State

of Missouri were to be paid. This agreement to pay costs cannot, as I believe, be construed to pay costs incident to the survey of the line, to which I have already drawn your attention, but to those only which accrued up to the time of the decree fixing the boundary. These have been paid by Messrs. Wells and Green, and amount to \$110.23. Of this last appropriation there remains in the Treasury \$194.88. It is proper that I should state that the contract, to which I have referred, was never reduced to writing, and the only evidence I have of its existence, and which I have no reason to doubt, is in the letters of Messrs. Wells and Green, constituting a portion of a correspondence which I had with them on this subject.

Hamilton R. Gamble, Esq., has presented to me a claim for \$1,000, as a fee in this case, for services rendered in the Supreme Court. There is no doubt but Mr. Gamble was employed, as represented by him, and as shown by the letters and statements accompanying his demand. There was no appropriation out of which I could pay it, and if there had been, I would not have felt authorized to do so without additional legislation. I therefore lay the correspondence with Mr. Gamble, as well as that with Messrs. Wells and Green, before the legislature, which contains all the information I have upon the subject. Such additional appropriations should be made as the legislature may deem necessary, to satisfy all proper demands against the State.

The present lease of the penitentiary expires in the next two years. Its present condition will deserve the attention of the legislature, a view of which, by a committee, will at once indicate the necessity of indispensable improvements.

There are now in the prison 198 convicts. This number confined in the narrow, contracted and crowded limits afforded inside of the yard, naturally excites apprehension that it will engender fatal disease. The cholera has already made its appearance frequently in the prison, and numbers have died. But it is most remarkable, that notwithstanding we had the right to anticipate this frequent sickness and

disease, there has yet been provided no suitable hospital, no apartment in which to place the afflicted, when, in a sick and dying hour, they need those comforts which humanity demands at our hands shall be ministered to them.

The present condition of the yard will at once suggest the propriety of extending the walls. The buildings containing the old cells, now in a dilapidated condition, may, by taking out the inside partition walls, be so fitted up as to make good workshops. If these indispensable improvements be not made, we may expect but few bids, and small in amount, when the penitentiary shall be offered for a new lease; for whatever of legislation may be done, should be with an eye to this, as well as to afford the means of extending to the convicts the demands of charity and humanity.

I refer the legislature to the report of the inspectors, for information in reference to the management and internal policy of the institution.

An act was passed at the last session of Congress to enable several of the new states to drain their swamp lands. For this purpose, these lands were granted to the states in which they lie. The swamp lands in Missouri, the most of which lie in the southeast portion of the State, are included in the grant.

It now remains for the legislature to determine what system shall be adopted by which these lands are to be reclaimed, and the sources of disease removed.

If it be determined, by the legislature, that the State shall enter upon the work of having these swamps drained, it should be with a view, ultimately, that the costs of reclamation, should be paid out of the lands reclaimed.

The repeated memorials, forwarded to congress by the legislature, declare these lands as wholly worthless in their present condition; and I suppose none will doubt the truth of these declarations. From the best information I have been able to get, I am satisfied that there is a very considerable quantity of this swamp land, that neither skill, science nor capital, will be able to drain. But from the report of commissioners heretofore appointed by the legislature, to

examine the country, I am induced to believe that a large quantity of the lands, in the southeast portion of the State, may by a proper system of drainage, be reclaimed.

If the work is to be carried on by the State, it will require appropriations from time to time, of very large amounts, in order to facilitate the business, and the utmost care and economy must be observed, or the State may not find a remuneration, in the value of the lands reclaimed and sold.

Before commencing operations, professional skill and science of the highest order that can be obtained, should be employed, and if necessary, a premium offered for the most approved and practical plan of accomplishing the desired object. If appropriations be made, and the work commenced, without a thorough knowledge of the principles which are to conduct it to a successful termination, large sums may not only be wasted, in what may turn out to be profitless expenditures, but in many places, for the want of not having thoroughly matured the plan, and having applied to the highest professional science, obstructions may be created, which will require an additional amount of labor and money to remove.

I do not propose to do more than to bring the matter to the consideration of the legislature; and as the cession of these lands to the States, was asked with a view to their reclamation, and not in contemplation of making them a source of profit, I have only to recommend that such plan be adopted, as in the opinion of the legislature, may best accomplish this object. It may turn out, upon an investigation, that the best plan of accomplishing the object, will be to turn over these lands to the counties in which they lie, and that a plan for their reclamation be devised, and conducted under a board of internal improvement, to be appointed in each county, and under such conditions, limitations and restrictions, as will at no time render it necessary to make appropriations from the State treasury.

The University is in a more prosperous condition than at any previous period since its organization. If its endow-

ment of one hundred thousand dollars—now permanently fixed upon it—be so managed for the future, as to yield a certain and proper dividend for its support, there is just reason to believe that it will fulfill the most sanguine wishes of the friends of literature, and that it may become the resort of the sons of Missouri, who desire preparing themselves for the various high callings in future life, and for which nothing can so well fit and qualify them as a high moral culture and thorough education.

The high character, moral worth and literary attainments of the President, elected to preside over the University, and the learning and ability of the Professors who preside over the various departments of science, constitute a *Faculty* which gives assurance that the Missouri University will become the *alma mater* of the sons of Missouri, and that parents need no longer send them abroad to be educated. I refer you to the report of the curators, for a detailed account of the present condition and prospects of the University.

There is now in the treasury \$1,220.44, proceeds of the sale of seminary lands, which belong to the University. The curators have been making necessary repairs and improvements about the buildings, anticipating this sum as a portion of the means to defray the expense. I recommend that a law be passed allowing the money to be drawn for this purpose.

The present organization of the Board of curators has proved inconvenient in practice. From the remote location of the curators, (one in each judicial circuit) it is often difficult to get together a quorum to do business. A remedy for this ought to be provided, which I believe can best be done by making provision for an additional number of curators, to reside in the county of Boone, or in counties adjacent thereto, so that when a meeting of the board may be necessary, one can be had without trouble or delay.

In addition to the flattering prospects of the University, of which all should be proud, there are, in various parts of the State, colleges and academies, both of the male and

female departments, succeeding fully up to the most sanguine wishes of their patrons and friends, and which reflect great credit upon the State.

But as the nursery of these, as well as of the University, I most earnestly invite your attention to the subject of common schools. The people have never failed to respond favorably to appeals made to them in the cause of education. And with a confidence which gives additional strength to their wishes, they have confided the functions of legislation to those who have been the advocates of common schools, as a means of developing the moral, physical and intellectual condition of the rising generation.

If those of us, to whom this important trust has been confided, fail to fulfill the wishes of a generous constituency, and content ourselves with fine wrought eulogies upon the cause of education, while we leave their children uninstructed, may we not subject ourselves to the imputation, that our appeals to them on behalf of the cause of education, when canvassing for their suffrages, were but a means of self-elevation.

There is no subject upon which the people of Missouri are more united than that of securing to the whole youth of the country the means of education. The people are for it; let no timidity of their representatives deprive them of it. The present means of common school education are not sufficient to give efficiency to the system. The State school fund amounts to \$575,667.96, to which should be added \$3,785.31, now in the treasury—proceeds of saline lands, and which constitute a portion of the common school fund. These, together with the proceeds of the township school lands, constitute the only available fund. This is not sufficient, and other means ought to be added. Take the balance of the proceeds of the 500,000 acre grant. If it is believed the people will not sanction this, stop its further distribution, until, by a law, the question can be directly submitted to them. The friends of education need have no fears for the result. If the consent of Congress be by any thought necessary to be had; it can be obtained. Though,

in my opinion, no such consent is necessary. When this and other resources shall have been exhausted, in enlarging this fund, then pass a law submitting the question directly to the people to vote yet additional means, to enable the State to put the system into successful operation. I feel authorized to say, from the success of this experiment in a number of our sister states, that the people of Missouri will never dishonor a draft made upon them for so noble a purpose.

The present system for the organization and government of common schools is defective. Its complication often puts to the test, the judgment of our best citizens elected for its management. But above all, it lacks a head to take charge of and give direction to its operations. None of our sister states, so far as I have been capable of observing, have been able to put into successful operation a system of common schools, without the aid of a superintendent of public instruction.

This duty is now performed by the Secretary of State, and to his report I refer you, to show the working of the system. I recommend that provision be made for the election of a superintendent of public instruction, by the people. And in order to give efficacy to the system, he should be required to devote a portion of his time in visiting every county in the State, and by the aid of his public addresses, his energy, education, and strong common sense, he should evince a disposition to enlist all his powers in the business, by his efforts to awaken an interest, and give point and system to the cause of popular education.

Each county in the State should have a county superintendent, or director, for the county, and each school district three trustees. With these, and the duties properly assigned to each, the whole system may be made complete.

The trustees should report to the director for the county, and he to the superintendent of public instruction, at least once a year. Each district should be provided with a district school library, to be paid for, if no other way, out of the funds of the district; and for the sake of uniformity in the course of instruction, the selection should be made

under the direction of the superintendent of public instruction. The superintendent should also be required to make out an annual report, showing the course of instruction prescribed by him—the number of schools of each county, and his examination of them—the number of months in the year each school is kept—the number of scholars, and the average number of days each has attended; the branches in which they have been instructed, and such other information as may be deemed useful.

The strictest care should be observed in the selection of teachers; a general system should be adopted for their examination, and none should be employed, but those of irreproachable moral character, and who, upon a most thorough examination, shall be found competent to teach all the branches of a common English education. No teacher should be employed, whose attainments do not elevate him up to the wants of the pupils. If he be deficient in this, instead of advancing, he will prove a hindrance to their progress. The youthful mind, always susceptible, should never be placed under the control of teachers incapable of imparting to it those lessons of wisdom and knowledge so necessary as a foundation for a finished scholar.

It should be made an indispensable requisite, that children be taught in all the schools, to understand the early history of our country—to read its constitution—and learn to appreciate the blessing of free government. If it be true, as is said, that the very boys in ancient Rome were made to learn the twelve tables by heart, in order more fully to impress their youthful minds with a knowledge of their country and its laws; and if it was thought necessary to the preservation of British liberty, that *magna charta*, which embodied the concessions obtained from the crown, should be publicly and repeatedly read to the people, how much more important is it that our youth should be taught these lessons of wisdom. The holy Scriptures, without note or comment, should be read as a daily exercise in our schools. From the Bible alone do we derive those principles which

give strength and power to the social system, and from its code of ethics we learn lessons of wisdom and knowledge nowhere else to be found.

We owe much to the rising generation: according to our system of government, the affairs of state, with all its cares, will be rolled upon their shoulders; the powers which we have, and exercise, will shortly be transmitted to them. The necessity is great, therefore, that we should provide the means of infusing into their youthful minds those moral influences which alone can render them worthy of this important trust. If we wish to sustain the institutions of our country, handed down to us by our fathers, and (when transmitted to those who are to come after us,) that they be preserved unimpaired, we must encourage the diffusion of knowledge, virtue and patriotism, among those who are to control our political destiny. The basis of government should be strengthened. Make it strong in moral power, and its principles will be perpetuated.

The subject of internal improvement will demand more than ordinary attention from the legislature.

Missouri is susceptible of being made one of the most desirable States in the Union. But in order to do this, the legislature should, by acts of munificent, but judicious legislation, give aid and assistance to the enterprise now struggling into existence among the people, which aims at a development of the resources of the State—to bring into the channels of trade those countless millions of mineral wealth—open up to the farmer and mechanic new sources of wealth and industry—to point out to the capitalist a sure means of profitable investment, and to secure to industry, in all its branches, its surest and most ample rewards.

The great error in our efforts to make improvements has been, that we have not given the energies of the State to the completion of one or two objects at a time; but when legislative aid has been sought for some useful improvement, it has been clogged by other propositions, perhaps equally deserving, until even in the opinion of the most sanguine, it would be injudicious to proceed.

The eyes of the nation are upon Missouri, and it is necessary that she shall now make a move. Railroads from Boston round to Mobile, are pointing to our State, looking to us for an extension of the lines through the western frontier, from whence, by common consent, the energies of the nation will be concentrated in continuing the road across the plains, and to the Pacific. Our enterprising countrymen, both north and south of us, who have an interest in different routes, are most laudably engaged in pressing forward their plans, which, if successful, will not only turn into different channels the countless millions of wealth, the roads east of us would bring into the State, but we shall be deprived, moreover, of being the receptacle of that golden stream of commerce which is, at no very distant day, to flow in upon us from the west; and also the trade and commerce of India, of China, and of the islands of the Pacific, which of itself has enriched nations, and built up most populous cities in both ancient and modern times.

Let it once be seen, that we do not intend to aid in this great work, and the roads east of Missouri, will be made to diverge to points, where energy and enterprise have been more successful. The action of our present legislature is to settle the future destiny of Missouri.

The State is now comparatively out of debt; a few years will pay all, and it is not my desire that the legislature shall take any step that will overwhelm the State in debt, without any means of extricating itself, except by a burdensome tax upon the people.

I deprecate the policy of the State becoming a large stockholder, or engaging in any considerable work of interned improvement as leading to those almost inevitable results. But the State can do much in aid of private enterprise. Two charters have already been granted by the legislature for roads: The Pacific railroad, from St. Louis to the western frontier, its anticipated route, passing for more than half the distance, through a wealthy, populous and fertile region of country; the Hannibal and St. Joseph railroad, traversing a region of country unsurpassed in its

whole distance, in the productiveness of its soil, and its adaptation to the means of wealth and affluence.

The prompt organization of the companies, and the energy and determination of the people interested in the respective routes, manifested by their liberal subscription for stock, assure us that they need but the aid which the State can give to ensure success. These roads are objects, not only of national importance, but of paramount interest to the prosperity and growth of the State and worthy the patronage of the legislature.

Improvement by railroad is dissimilar from any other work of internal improvement. Every mile of road made, will afford the means of returning compensation, and by the time it has reached twenty or fifty miles into the country, hitherto impenetrable, as far as it respects the means of transportation and commerce, new elements of wealth spring up, new life is infused into the country through which it passes, and by the time the road is completed, the most sanguine are astonished at the elements of wealth it has produced. This accounts for the success of the railroad enterprise in some of our neighboring and sister States. They do not calculate to spend their millions, and look to other sources for means to pay the interest upon the outlay, but every mile of road is made to yield a compensating remuneration. Such a result will follow the making of the roads to which I have referred. But can private enterprise build the roads? With the aid, which the State can give, and in a way by no means oppressive to its citizens, it can be done. Without this aid the work must fail.

A knowledge of the ability which will be brought to bear upon this subject in the legislature, relieves me from entering into the details of a plan by which the aid can be afforded. I shall, therefore, only suggest what is now in successful practice in some of our sister States, and which I deem worthy to be followed.

For every \$50,000 collected and expended upon the road by the company, let the State loan its bonds to the company for such amount as will, by a proper calculation,

afford the means, from time to time, of carrying on the work to its completion.

Upon every delivery to the company, of the bonds, such a receipt or acknowledgement of the amount should be given by the company, as will to all intents and purposes, amount to a mortgage of the road and its appurtenances, to the State, to secure the payment of the principal and interest of the State bonds. These bonds only to be issued as the means may be needed, and after the conditions shall have been complied with. The bonds to run for not less than twenty years, subject to redemption at any time after they shall become due, at the option of the State. The faith of the State to be pledged for their redemption, and the company to be required to make provision for the punctual payment of the interest, so that this shall never become a charge upon the treasury of the State.

The income of the road, when finished, after paying repairs and necessary expenses, to be pledged for the payment of the interest upon the bonds. If the company fail to pay this interest, and the principal of the bonds when required, the State to have the right, under the mortgage, to sell the road and its appurtenances, for the purpose of paying the same, or any portion thereof that may be due.

I cannot but express a hope that this, or some proposition, which is to accomplish the same purpose, will meet with the favorable consideration of the legislature.

These roads, by the energy and perseverance of those who have had charge of them, are in advance of all other works of internal improvement. Let these be completed, and it will produce such a state of things, as will unerringly point to other objects of improvement, worthy of the consideration of the legislature. These will be the trunks, to which may be joined railroads and plank roads, branching into every quarter of the State.

If charters should be asked for roads, as stems of these, they should even now be granted, in order that arrangements may be making for their future success.

I confidently anticipate liberal appropriations of public

land along the route of the Pacific, and the Hannibal and St. Joseph railroads. I suggest to the legislature, that a memorial be immediately forwarded to Congress upon the subject, and that we respectfully ask, on behalf of these roads, that the onerous condition shall not be attached to the grant, requiring the company to transport men and freights of all description, free of charge, for the general government. The government should be willing to take its profits in the increased price and sale of its lands, and the increased facilities afforded for transportation, at greatly reduced prices, such only as the citizens will have to pay.

I beg leave to call attention, as I did two years since, in my first address to the legislature, to the question of the right of the State to the two per cent fund.

One of the propositions made by the general government, and accepted by Missouri, upon her admission in the Union was, that "five per cent of the net proceeds of the sales of lands lying within the said territory, or State, and which shall be sold by congress from and after the first day of January, 1821, after deducting all the expenses incidental to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the State, under the direction of the legislature thereof, and the other two-fifths in defraying, under the direction of congress, the expenses to be incurred in the making of a road or roads, canal or canals, leading to the said State." This condition, so far as it relates to two-fifths of this five per cent, has not been fulfilled by the general government, nor is it desirable on the part of Missouri, that it should now be done. The introduction of steam power, and its application to boats and railroads, has superseded the necessity for a performance of this part of the compact. But it leaves Missouri with an equitable, and I may say, a legal claim upon the general government, for the appropriation of this two per cent fund. The correctness of this principle has been repeatedly recognized by Congress, in the relinquishment of the two per cent fund to

several of the States, under a similar compact to this, under which Missouri now asserts her right.

The amount of the two per cent upon the net proceeds of lands sold in Missouri since the year 1821, is upwards of \$250,000. The five per cent agreed to be paid, to and for the use and benefit of Missouri, was not a gratuitous gift; a most valuable consideration was given by the people of the State, when in the convention which they had caused to assemble, to consider of this offer of the general government, and of another concession which was required of them as a condition of the admission of the State into the Union, it was agreed by ordinance, that the lands of the United States in Missouri, should not be taxed, and also that the same lands should be exempt from tax for any purpose whatever, for five years from and after the respective days of sale thereof. Thus it will be seen that Missouri has surrendered her land revenue for thirty years upon upwards of twenty-nine millions of acres of land, the number of acres as shown by a late report of the commissioner of the general land office, to belong to the general government, and unsold at that time; and upon the balance of the land in Missouri, amounting to upwards of thirteen millions of acres, which, by the same report, is shown to have been sold at that time, the State loses its revenue, not only up to the day of sale, but for five years thereafter.

There are other stipulations in this compact, but none, in my opinion, which affect those to which I have referred.

I recommend that the legislature make a formal relinquishment to the general government of the right of the State to the fulfilment of the compact, in respect to the two per cent fund, and also to ask that said fund be relinquished to the State of Missouri, and the State also declare its willingness to accept said relinquishment in full of said fund, accrued and accruing, with this further condition, that the said two per cent fund shall be faithfully applied to the construction of the Pacific railroad, and the Hannibal and

St. Joseph railroad, in such manner as may be thought just by the legislature.

A geological survey of the State, is a subject intimately connected with that of internal improvement, and has a most important bearing upon all other great interests of the State. Although it is highly important that this survey should be made at the earliest possible time, it is not less so, that it should be done in a thorough manner, and on a liberal scale. The character of the State, its vast area and mineral resources, require that no illiberal or contracted policy should be adopted. It will require a considerable expenditure, and the means to accomplish it, should, before the work is commenced, be ascertained and indicated.

The people of Missouri cannot but feel a deep interest in the prosecution of this work, and would doubtless be willing to contribute liberally to its accomplishment; yet I believe our claim upon the general government is of such character, that it should rest there, for its accomplishment. Without dwelling upon the importance, in a national point of view, of developing our immense mineral resources, that are now lying idle, we have a right to insist upon and expect a co-operation of the general government, as a joint proprietor of the soil.

By the commissioner's report, to which I have referred, it will be seen that more than two-thirds of the land in the State belong to the general government, while for the other third there has been paid into the national treasury more than thirteen millions of dollars. No survey, therefore, can be conducted in which the general government would not be more largely interested than the people of Missouri.

But the claim which Missouri has, does not rest upon abstract equitable right. Congress has practically acknowledged the propriety of contributing to such surveys, by making large appropriations for them in other States. We are not, therefore, to presume that we shall be made an exception, if the subject be brought to the consideration of congress.

I therefore recommend that the memorial of the last

legislature, be again pressed upon the attention of congress, and that our senators and representatives be requested to urge our wishes before the national legislature, and also that the legislature take such action in the matter as will insure the commencement of the survey, whenever the co-operation of congress can be obtained.

There is another proposition of no less importance, and to which I invite your attention. I refer to the establishment of a school of MINES. Since the acquisition of California and New Mexico, there is probably no government in the world possessed of a greater extent, or of more varied and valuable mineral territory, than the United States. Yet such is the condition of the education of our population, in mining and metallurgy, that we are dependent on Europe almost entirely for our knowledge and in a large measure, for our operatives in these pursuits. It is due to ourselves and to our own interest, that this condition of things should be remedied. Until it be done, we shall never be able to realize, as a nation, all the advantages of our mineral resources, or protect our citizens from the cupidity, imposition and disappointment that must result from the employment of those whose character and qualifications we have no means of verifying.

Such an institution would not be merely local in its benefits, and of its necessity there can be no doubt. Missouri presents advantages for its location, that cannot be rivaled by any other State in the Union.

Since congress seems to have adandoned the idea of making the public lands a further source of revenue, it occurs to me there could be no purpose to which a portion of them could be more appropriately devoted, than to the establishment of such a school. I therefore recommend to the legislature to take such steps as shall call the attention of congress to the subject, and to secure such a donation of these lands as would enable the State to accomplish this desirable object.

In compliance with my constitutional duty, I have now given to the General Assembly, the information I possess

relative to the state of the government, and have also made such recommendations, as I have deemed necessary and expedient to advance the interest of our growing and prosperous State.

My suggestions have been made with great diffidence, but with no other motive than a sincere desire that they may lead to the advancement of the public good. My diffidence in all that I have said, however, is greatly relieved, from the consideration that your deliberations will enable you to give such direction to them, as will only promote the public interests.

I cannot close this communication without some reference to the agitating scenes through which the country has just passed.

The hopes of our fathers, the stay and support of the present generation, and the fond anticipations of the future, are all bound up and rest upon the perpetuity of our blessed Union.

Our fathers set the first example the world ever saw, of a government deliberately formed by the people for their own mutual protection, and made to depend entirely on them for its support. I but speak the sentiments of Missouri, when I declare my veneration for it, and for the Union, which is the main pillar in the edifice of our real independence.

No subject is likely ever to arise, out of which are to follow such fatal consequences as that of the agitation of the slavery question in congress. It was hoped by the lovers of the Union, everywhere, that an end was put to this agitation, by the measures adopted by the last congress. But in this, it seems we are doomed to disappointment. Northern abolitionists and southern nullifiers and secessionists seem to vie with each other in their efforts to produce disasters fatal to the Union.

The conduct of the abolitionists, sustained as they are by political demagogues, in reference to the law for the recapture of fugitive slaves, is such as to excite just apprehensions for the stability of the Union. Although that law is one of the series of enactments, designed by congress

to restore harmony among the different sections of the Union, still it cannot properly be termed, of itself, an act of compromise, in which mere conflicting interests were adjusted by mutual concessions. Its passage was but the discharge of a solemn duty to the slaveholding states—a duty enjoined by the constitution, from which congress could not shrink without a total disregard of an imperative obligation. It rests for its support, not solely upon the good faith to observe it, which springs from its connection with other measures recently passed, connected with the question of slavery, but if taken separately, as an independent measure, upon the absolute and unqualified duty imposed by the constitution on every good citizen to conform to its provisions without cavil or evasion. In insisting upon the rigid execution of that law, and its continuance in full force on the statute book, the people of the slaveholding states assert only a plain constitutional right, guaranteed to them when they entered the Union, and of which they cannot be deprived as long as the constitution and Union stand. Hence all assaults upon that law—all efforts to prevent its execution—all movements to deprive the south of its benefits, whether dictated by morbid sympathy with the fugitive slave, or by hostility to the system of domestic slavery as it exists—are aimed directly at the constitution, and consequently the perpetuity of the Union. But may we not hope that the recent opposition to that law, exhibited in some northern states, will receive no important aid from the masses? However silent the people of those states were for a time, when duty required them to rebuke promptly, the spirit of fanaticism and rebellion raging in their midst, a re-action appears to have commenced, and to a considerable extent, the reflecting and partiotic manifest a determination to observe the farewell injunction of Washington, by “frowning indignantly upon the first dawning of (this) attempt to alienate one portion of our country from the rest, and to enfeeble the sacred ties which now link together the various parts.”

To the patriotism of the north the whole country turns

at this time, to ascertain whether the jarring elements of discord are to be hushed. No sacrifice of honor, or duty, or interest, is asked, but merely obedience to, and enforcement of, the most sacred obligations which the highest forms of law can impose. We have a right to expect this, and to ask that the spirit of injustice, insubordination, and disunion shall be quelled in the north as well as in the south, and that the cause of hostility shall be speedily and effectually eradicated by the cessation of all further agitation on the subject. We have a right to expect that, animated by kindred sentiments of devotion to the Union, the people of the north will repress fanaticism, roll back the rising tide of dissolution—uphold the constitution and laws, and declare with the potent voice of the popular will, that, "The Union must and shall be preserved." If this is done, the storm will pass, and the Union emerge, unimpaired, from all the dangers in which it has been plunged. No state will rejoice at such a result with more sincerity and joy than Missouri.

The agitation of the slavery question in the south, has assumed a much more important character than can be ascribed to it elsewhere. It has put to the test the moral force and strength of our Union, and forced the public mind to consider the importance of its preservation, and to review and fix the attention upon the causes which induced the fathers of the revolution to enter into that compact or agreement, which resulted in its formation.

After our declaration of independence, the necessity for a league or confederation of the states, was so apparent that the states in their sovereign capacity, adopted the articles of confederation, which were supposed to possess all the elements necessary to carry out and perpetuate the principles of self government, they had declared it their intention to set up.

It was soon ascertained that the articles of confederation, in the working of the system, constituted but a mere league between the states, formed, it is true, for a common purpose, but each state having the right to judge for itself—not by its members in the congress of the confederacy, but

in its separate organization—of the propriety of any measure intended for the common benefit of all; and by the refusal, of one state, or a combination of two or more states, the most important act of the congress of the confederacy, could in effect be nullified. It soon became apparent that our system of government was but the re-production of one of those petty leagues which had been often formed in the old world but to perish.

The incompetency of the confederation to provide for the credit and wants of the country, at once satisfied the true patriots who lived at that eventful period of our history, of the necessity of a radical change in the system. A change was accomplished in the adoption of the constitution of the United States. And in order to get rid of the evil which grew out of the association of sovereign states, under the articles of confederation, it was declared in the preamble to the constitution that "We, the people of the United States;" thus we see that it was "made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it." Its legitimate objects and purposes were declared to be, to form a more perfect union—to establish justice—to insure domestic tranquility—provide for the common defence—promote the general welfare, and secure the blessings of liberty to the people. These, it was thought, could be best accomplished by the formation of three separate and distinct departments of the government—the executive—legislative—and judicial. The powers of the two first, fixed and prescribed, and the latter invested with full power to judge of the compatibility, with the constitution, of the joint legislative acts of the two former. Thus it was intended, that the fatal error so manifest in the articles of confederation, should be avoided, and that acts passed by the legislative department and approved by the executive, should not be subject to be nullified or resisted by the separate action of any one or more of the states composing the Union, but their constitutionality is to be determined by the judicial department. And as a rule by which to test

all laws, the constitution is made the supreme law of the land, and laws in conflict with it are only to be set at naught by the court.

If a law is passed by Congress—approved by the President—and declared to be in accordance with the constitution, by the courts, then all good citizens will abide its mandates, however inconvenient and oppressive they may be, until resort is had to another remedy, constitutional in its character—conservative in its purpose, and, if the evil be intolerable—certain in its accomplishment. I mean the remedy afforded by the ballot box. This is a remedy known of the constitution, and with which all good citizens will be satisfied. Any other remedy must be revolutionary in its character and subversive of our government.

A remarkable instance of the success of this latter remedy occurred shortly after the adoption of the constitution and shows in a striking manner the working of our system of government. During the administration of John Adams, the alien and sedition laws were passed by Congress approved by the President and sustained by the judiciary. The members of the republican party of that day, with Mr. Jefferson at their head, declared their opinion to be, that these laws were unconstitutional. But did they attempt to nullify them by remedies outside of the constitution? Far from it. Mr. Jefferson, then the Vice-President, remained at his post, but urged and induced Mr. Madison and other republicans, to leave the halls of Congress—go home to their respective states—agitate the question among the people—go into the State legislatures, and there concentrate public sentiment, and bring it to bear upon these laws. In a word, to bring about such a political revolution as would sweep them from the statute books.

Out of these and other kindred measures, grew the memorable contest of 1800, which ended in the elevation of Mr. Jefferson to the presidency, and the repeal of those obnoxious laws.

Mr. Jefferson never sanctioned a resort to any other remedy than those known to the constitution, for what

he believed to be a great grievance inflicted upon the country.

The sages and patriots of the Virginia legislature, who in '98 declared the alien and sedition laws to be unconstitutional, intended nothing more than the expression of an opinion, which they were then seeking to verify by the means allowed by the constitution.

It was fortunate for the fame of these distinguished patriots, that Mr. Madison was alive in 1830, when nullification was first advocated as a mode of resistance to supposed unconstitutional laws, and the Virginia resolutions of 1798 quoted as authority for such a position. He, who had drafted these resolutions, felt it due to his own fame, as well as of his compatriots on that occasion, that their acts should not be quoted as giving countenance to any movement which might end in treason against the government.

The letter of Mr. Madison, written in 1830, to the editor of the North American Review, is so full an exposition of the object and intent of the resolutions of '98, that I cannot forbear a quotation from it. He repudiates the principles of nullification, and sustains these resolutions in the following extract: "Between these different constitutional governments, the one operating in all the states, the other operating separately in each, with the aggregate powers of government divided between them, it could not escape attention that controversies would arise concerning the boundaries of jurisdiction, and that provision ought to be made for such occurrences. *A political system that does not provide for a peaceable and authoritative termination of occurring controversies, would not be more than the shadow of a government*, the object and end of a real government being the substitution of law and order, for uncertainty, confusion and violence.

"The constitution has expressly declared: 1st, That the constitution and the laws made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land: 2d, That the judges of every State shall be bound thereby, any thing in the

constitution and laws of any State to the contrary notwithstanding: 3d, That the judicial power of the United States shall extend to all cases in law and equity arising under the constitution, the laws of the United States, and treaties made under their authority, etc.

“The constitution is a compact; its text is to be expounded according to the provisions for expounding it, making a part of the compact; and none of the parties can rightly renounce the expounding provision more than any other part.

“That the legislature of Virginia could not have intended to sanction such a doctrine, is to be inferred from the debates in the House of Delegates, and from the address of the two houses to their constituents, on the subject of these resolutions. The tenor of the debates, which were ably conducted, and are understood to have been revised for the press by most, if not all of the speakers, discloses no reference whatever to a constitutional right of an individual State to arrest by force, the operation of a law of the United States. Concert among the States for redress against the alien and sedition laws, as acts of usurped power, was a leading sentiment; and the attainment of the concert the immediate object of the course adopted by the legislature, which was that of inviting the other States to concur in declaring the acts to be unconstitutional, and to *co-operate*, by the necessary and proper measures, in maintaining unimpaired the authorities, rights and liberties reserved to the States respectively and to the people. That by the necessary and proper measures to be *concurrently* and *co-operatively* taken, *were meant measures known* of the CONSTITUTION, particularly the ordinary control of the people and legislatures of the States over the government of the United States, CANNOT BE DOUBTED.

“It is worthy of remark, and explanatory of the intentions of the legislature, that the words ‘not law, but utterly null, void, and of no force or effect,’ which had followed in one of the resolutions, the word ‘unconstitutional,’ were stricken out by *common consent*. Though the words were,

in fact, but synonymous with 'unconstitutional,' yet to guard against a misunderstanding of this phrase, as more than declaratory of opinion, the word 'unconstitutional' alone was retained as not liable to that danger.

"The published address of the legislature to the people, their constituents, affords another conclusive evidence of its views. The address warns them against the encroaching spirit of the general government; argues the constitutionality of the alien and sedition acts; points to other instances in which the constitutional limits had been overleaped; dwells upon the dangerous mode of deriving power by implication; and in general, presses the necessity of watching over the consolidating tendency of the federal policy. But nothing is said that can be understood to look to means of maintaining the rights of the States beyond the regular ones, *within the forms of the constitution.*

"Had the resolutions been regarded as avowing and maintaining a right in an individual State, to arrest, by force, the execution of a law of the United States, it must be presumed *that it would have been a conspicuous object of their denunciation.*"

The rights of the slave owner within the States, are secured by a plain constitutional provision, and with these, the general government has never interfered. The power of congress to legislate upon the subject of slavery in the territories, is the point out of which the whole controversy has arisen. This power is not among those expressly granted by the constitution, and is to be derived, if at all, by a necessary implication and construction from some one of the expressly delegated powers. Upon this point a difference of opinion exists. There are eminent statesmen, whose opinions are entitled to great weight and consideration, who claim this power; and the many repeated acts of the government, in its various departments, give force and effect to this position. While others, whose opinions are equally entitled to be respected, deny the existence of the power.

Before the adoption of the constitution, the ordinance

of 1787 had been passed, which disposed of the question of slavery in all the territory then belonging to the United States. The silence of the convention which adopted the constitution, and which was in session at the time of the passage of the ordinance, upon the manner of the disposition of this territory, when the question of the rights of slave owners was under consideration, furnishes a strong reason to believe that there was a silent acquiescence in it, and that the convention did not look to the subject of slavery further than it existed in the States at the time. Taking this view of the subject, and our government being one of strictly limited delegated powers, I am unwilling to derive the power by a doubtful implication.

In this conflict of opinion what is to be done? There is but one safe course to pursue—non-intervention—no agitation of the subject in any manner by the general government. Let there be no law admitting or prohibiting slavery in the territories. If, however, congress does legislate upon the subject, neither nullification nor secession is the rightful constitutional remedy. In the language of Mr. Madison, "The constitution is a compact; its text is to be expounded according to the provisions for expounding it, making a part of the compact, and none of the parties can rightfully renounce the expounding provisions more than any other part." The constitution declares "that the judicial power of the United States extends to all cases in law and equity, arising under the constitution, the laws of the United States, &c." This question can only grow out of a law of the United States, and for its proper exposition, we should resort to the judicial power, which is concentrated in the Supreme Court. This I conceive to be the constitutional doctrine, and it admits of neither secession, nullification, nor dissolution of the Union.

The right of secession can only be claimed upon a principle which lies at the foundation of our political existence; that is, when oppression becomes so intolerable that forcible resistance and revolution is the only remedy for the evil. We are at an immeasurable distance from this

point of provocation, and if secession is attempted, it will be an attempt at revolution; it will be a violation of the constitution, and a subversion of the Union. The President will then have no other alternative, under his oath to protect and defend the constitution, than to use the force of the government to put down the revolution. I will not contemplate the consequences which are to follow such scenes, but recur with pleasure to the calm which now temporarily pervades the country, as affording a fit opportunity for all good citizens to appreciate the value of the Union, which, by the conservative principles of our constitution, so emphatically constitutes us one people, an opportunity in which all should resolve, with sleepless vigilance to guard it, not only as the citadel from whence it is to be defended, but the great storehouse of all our hopes, which under Divine Providence is not only to perpetuate our own safety and happiness as American citizens, but likewise constitute us the great EXEMPLAR OF NATIONS.

AUSTIN A. KING.

EXECUTIVE DEPARTMENT,
CITY OF JEFFERSON, DECEMBER 30, 1850.

SPECIAL SESSION MESSAGE

AUGUST 31, 1852

From the Journal of the Senate, pp. 16-19

Gentlemen of the Senate and House of Representatives:

A just regard for the public interest, has impressed upon me the necessity of a called session of the General Assembly, for the transaction of legislative business.

It is a source of congratulation, that the representatives of the people have met under auspices so favorable to the public interests. It will constitute a new era in the history of Missouri legislation, and I trust, it may be made to embellish the pages of its future history.

The question of internal improvement, is one upon which the minds of the people have been efficiently engaged; and the result has demonstrated that public sentiment, has given a proper direction to the subject, leaving nothing now to be done but prompt and decisive action on the part of their representatives, in order to secure a proper development of our internal resources and hidden wealth.

I assure the legislature of my cordial co-operation in everything which may have a tendency to bring about these desirable results.

The reasons which influence me in calling you together at this time, were briefly alluded to in my proclamation, and they refer to subjects of legislation to which it is my design to call your attention at the present session.

Deeply sensible of the great interest manifested to see the works of internal improvement progress, and for the completion of which a most liberal grant of land has been made by the general government, I did not allow myself to doubt the propriety of giving an early opportunity for enacting such laws as may be necessary, effectually and economically to improve and apply the grant of lands thus made.

It remains now for the General Assembly to take such legislative action as will secure the proper application of the funds or proceeds arising from the sale of these lands to the objects and purposes intended by the grant, and at the same time to guard against the contingency of contracts with irresponsible individuals or companies, by which the means for the construction of the roads might be squandered, and a blight cast upon the just expectations of us all, for a speedy completion of these works of internal improvement.

The grant of lands made to the State of Missouri, to aid in the construction of the Pacific Railroad and the Hannibal and St. Joseph Railroad, is of a character, before it can be made available, to require legislative action, and to this subject I invite your attention.

The grant of these lands renders it certain that the roads will be made, and it only remains to enact such laws for their disposition, as will offer liberal inducements to capitalists and companies willing to undertake them, upon terms which will insure the completion of the roads.

It is estimated that the lands granted amount to near a million of acres to each road, and it is believed, will go far towards their completion, if properly and judiciously disposed of.

By the terms of the act of Congress, making the grant of these lands, a copy of the location of the roads is required to be forwarded to the local land offices, and the land office department at Washington, within ninety days after the completion of the same. I do not understand that this provision contemplates any interference by the legislature, with the company in the location of their respective roads; but only after their location, to have proper evidences of the fact furnished as required. And the lands, when selected, are, by the terms of the grant, made subject to the disposal of the legislature, and the proceeds to be applied exclusively to the purposes specified in the grant.

It is not my intention to press my opinion upon the legislature, as to the most appropriate disposition to be made of these lands, but only to make a few suggestions, appro-

priate to the subject, and which I trust will present no barrier to a proper disposition of the question.

It is an undeniable proposition that these lands do not belong to the respective Railroad Companies, but are vested in the State of Missouri, and to "be subject to the disposal of the legislature."

The policy of investing the proceeds of these lands as stock in the respective roads, and to this extent, the State to become a stockholder, may be suggested for your consideration. I doubt the policy of such investment, and suggest, as the object and wish of all must be the most speedy completion of these important works of internal improvement, that by no act of legislation, shall the State be made to engage in them in any direct manner whatever, but that the benefits, pecuniarily, to be derived to the State, shall be of an indirect character, such as may result from a disposition of these lands to the respective companies, and upon such terms as will hold out proper inducements to capitalists to engage in the completion of the roads, at the earliest practicable period.

By the terms of the grant, the lands along twenty miles of the road, may be disposed of first, and when finished for this distance, steps are to be taken for the sale of lands for another twenty miles further on the road, and so on, until it is completed.

If the lands are therefore sold by the company, in order to raise means to pay for the work as it progresses, the sales must necessarily be for only twenty miles along the road at a time; and as the road progresses, subsequent conveyances are to be made upon terms contemplated by the grant.

This view of the subject, it is believed, will not prevent the enactment of a law, which, by its terms, will authorize the road to be laid off into sections of twenty miles, and to allow contracts to be made for each section at the same time, if the proper interest of the road seem to require it.

Taking another view of the subject, and to which it is believed, the law making the grant, presents no obstacle,

I suggest that a provision be made authorizing the company to hypothecate these lands, if necessary, upon which to create a loan by the issue of its bonds on such terms and conditions as will enable the company to supply the means for the entire completion of the road prior to making any absolute sale of the lands, and to consummate which, the company should be authorized to secure the payment of any bonds it may issue, by a deed of trust upon the lands, taking care to recite in the deed, or otherwise secure the prior lien of the State, to which it will be seen, allusion is made in a subsequent part of this communication.

The faith of the State should in no wise be pledged for the redemption of the bonds, nor should the State be connected, in any manner whatever, with such loan, further than to allow the company full power to hypothecate the lands for the redemption of any bonds it may issue.

If the lands are thus disposed of, then, in order to prevent a monopoly of them, which may prove detrimental to the best interests of the country, the company should be required after a given time and at stated periods, to offer these lands for sale, and from time to time to do so, until all are sold.

As counter security to the State, the company, to which any of these lands are conveyed, should, simultaneously with the conveyance, execute a deed of trust to the State upon the lands thus conveyed, and the appurtenances in anywise appertaining to the same, in such manner, as will fully and in every respect secure and oblige the faithful performance of the company in the application of the money, and property arising from the sale of these lands, to the constructing, completing and finishing the road in such manner and time, and upon such conditions, as may be agreed upon; a release of the deed of trust, and a removal of the incumbrances thereby created, only to be executed, upon a full compliance with the contract or stipulations contained in the deed.

In consideration of the grants, privileges and immunities thus to be conferred, the company should be required

to pay into the State treasury, semi-annually, a fixed per centum on the gross proceeds, receipts or income derived from the road, to be ascertained and definitely fixed by law.

The uncertainty as to the terms upon which contracts may be made with capitalists or contractors for making the roads, renders it necessary that the law should be so framed as to provide against any contingency of this kind, and at the same time protect the interests of the State, and guarding against the letting of contracts, by which these lands are to be disposed of in any manner, which, by any possible contingency, would put in jeopardy the completion of the roads at the earliest practicable period.

I submit these matters with deference to your enlightened consideration, confident that your deliberations will take such a direction as will tend to promote the public interests, in making a wise disposition of the important subject, to which I have felt it my duty alone to call your attention at the present session, with the assurance of my cordial co-operation in all your efforts to promote the public good.

AUSTIN A. KING.

EXECUTIVE DEPARTMENT,
CITY OF JEFFERSON, AUGUST 31ST, 1852.

SECOND BIENNIAL MESSAGE

DECEMBER 28, 1852

From the Journal of the Senate, pp. 130-148

Gentlemen of the Senate, and House of Representatives:

You have assembled again in regular session to discharge those legislative duties enjoined by the constitution, and which are designed to promote and advance the public good.

The events of the past two years have been such as to gladden the heart of the patriot, and give encouragement for the future. The stability of our national institutions—the Union of the State, the ark of our political safety, seems to have been drawn to the utmost tension, by the embittered councils which nullification and disunion on the one hand, and which for a time no concessions seemed to appease, and the fell spirit of fanaticism on the other, which disdained to consider the rights of the States as governed by any other than that “higher law,” which disregarded alike the constitutional rights of the States, as well as the principles of the social compact, which bind us together as one people. But we have been able to withstand these severe trials, and instead of witnessing the wreck of the last best hopes of human freedom—the political destruction of our glorious Union—they have only severed to prove its integrity and stability. The result has shown and satisfied us all, that the chief corner stone in the edifice of our Union, is deeply laid in the affections of the people, and that they will indignantly frown upon every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.”

The present affords a suitable occasion, and in the name of our constituents to make acknowledgments to the great Governor of the Universe for the manifold favors which have distinguished us as a people; the blessings of

health, peace, plenty and general prosperity seem to surround us; the past year has been one of abundant harvests, in every branch and department of industry, the labors of the husbandman and the industry of the artisan have received their merited reward. The laws have been respected, social order has been observed, peace and quietness reign in our midst, and we are permitted to enjoy, to the fullest extent, all those social, moral, political and religious privileges, which render us so contented and happy.

The late extra session of the general assembly, which has just closed its labors, was convened for purposes which have been already laid before you.

In my communication to you on that occasion, I confined myself to the subject alluded to in the proclamation, leaving the present as a more fitting occasion to fulfill the constitutional injunction that "the Governor shall from time to time, give to the general assembly, information relative to the state of the government, and shall recommend to their consideration, such measures as he shall deem necessary and proper."

Whilst this duty is enjoined upon the Governor, its performance will avail but little, unless ripened into the enactments of law, by the more matured wisdom of the legislature. To you is confined the more important functions of legislation, for the passage of such laws, as will remove the grievances of the past, and secure for the future, a greater share of happiness and prosperity; and upon a wise and judicious exercise of this important trust, depends in an eminent degree, the welfare of the State.

The growing prospects of the State, afford ground for congratulation; the spirit of improvement and the progress of the age, furnish ample evidence of the success of our republican principles; for while they assure to labor, its merited reward, they may be extended in their application to all our wants.

With a productive soil and salubrious climate, and possessed of the true sources of wealth—agriculture, manufactures and commerce, to a degree not surpassed by any

of our sister States, we are cheered with the prospect that our march is onward and upward, to that high destiny which we believe awaits our noble State in the future.

I deem it not inappropriate, to introduce into this communication, at least some of the evidences of our agricultural capability, taken from the return of the last census, which affords the most authentic information extant upon the subject. The aggregate of each item for the whole State is here given; while the census table shows also, the amount of each, for every county.

Improved lands, 2,924,991 acres. Unimproved lands 6,767,937.—Cash valuation of farms, \$63,057,482. Value of farming implements and machinery, \$3,965,945. Horses, 223,593. Mules, 41,508. Milch cows, 228,553. Working oxen, 111,268. Other cattle, 445,615.—Sheep, 756,309. Swine, 1,692,043. Value of live stock, \$19,756,851. Value of animals slaughtered, \$3,344,517. Bushels of wheat, 2,966,928. Bushels of corn, 36,069,543. Bushels of oats, 5,243,476. Pounds of tobacco, 17,100,884. Pounds of wool, 1,615,860. Value of orchards, \$512,527. Value of produce of market gardens, \$99,454. Tons of hemp, 22,558.

There are many other items of agricultural products, but these are sufficient to show the capabilities of this State in this respect, while we say nothing of the very large amount of capital profitably employed, in the manufacturing, mechanical and commercial branches of industry.

It affords me pleasure to inform you, that the financial affairs of the State, are in a sound and healthful condition. The details of which will be laid before you in the Auditor's report.

The annual increase of the revenue, derived from subjects of taxation, gives ample evidences of our prosperous condition, and offers the present as a suitable time to remodel the revenue laws, and to reduce the burden of taxation upon the people.

It is one of the most important, yet among the most delicate duties belonging to the administrative and legislative departments of the government, to exercise such pre-

cautions as are needed, to prevent the imposition of heavy taxes.

The people, always justly jealous of the taxing power, submit with great cheerfulness, to such tax as is needed for an economical administration of the government, and to meet the demands of honor and justice that may be upon it. These are all, ordinarily, for which taxes should be levied.

When the public interest requires an extraordinary appropriation of money, it may be good policy, and sound economy that it should be made; but the act appropriating the money, should always provide the ways and means of raising it.

The fiscal year is made to commence on the 1st day of January, of each year, and the Auditor and Treasurer, are required to make their reports, within the first ten days of the session. They are unable therefore in their report to show the financial transactions of the last quarter of the last fiscal year.

I recommend such legislation as will enable those officers, in their biennial report, to afford this information.

The returns from all the counties in the State, except ten, show the aggregate amount of taxable property, as assessed for the year 1852, to have been valued by the assessors, at \$112,465,653.75. This sum is made up of the following items: The assessed value of lands is \$45,438,-609.75; value of town lots \$30,580,354; value of slaves \$22,-810,675; other personal property \$13,636,015. In recurring to the aggregate statement of the assessed value of taxable property, it will be found to have doubled in the last seven or eight years.

There has been paid into the treasury, from the first of October, 1850, to the first of October, 1851, \$480,286.05. From first of October, 1851, to first of October, 1852, \$472,-423.05. This is total receipts; of which there is of revenue proper, for the first year \$296,167.18, and for the second year, \$326,579.91. Adding gross amount of receipts together, and also balance in the treasury first of October, 1850, \$657,972.79. From this, deduct amount of warrants

drawn on the treasury for two years, ending first of October, 1852, \$891,687.63, and also deduct \$260,668.79, the amount due the bank for interest paid upon State bonds, and for which no warrant was drawn, but for which by a joint resolution of the last legislature, the Auditor was required to give the treasurer a credit.

It will be subject to a further deduction of \$37,045.91, the amount of deficit found against the late Treasurer, and also, the further sum of \$19,869.59, the amount of State bonds, and interest on the same, paid by the Treasurer, and which he holds as so much money. Deduct these sums and it leaves chargeable upon the treasury, on the first day of October, 1852, \$401,409.97. The revenue receipts for the last two years, up to the first of October, 1852, is \$622,749.89, and exceeds the revenue for the two preceding years \$102,011.60.

The revenue chargeable to the several collectors for the taxes of 1852, and now being paid into the treasury, together with the amount in the treasury on 1st October last, will be a sum, sufficient to defray the ordinary expenses of government—to pay the interest on the State debt as it becomes due—to pay the State bonds, constituting a part of the State debt, (which fall due in 1853,) and also, leaving a surplus, to meet any probable appropriations which may be made by the legislature.

The several large amounts drawn from the treasury, upon extraordinary appropriations by the last legislature, together with the sums necessary to balance the accounts which had been of long standing with the bank, and which itself amounted to \$357,989.81, made it necessary that I should resort to a temporary loan, for the purpose of paying, in part, the State bonds falling due in 1851, as was anticipated by an act, entitled “an act to authorize a temporary loan,” approved March 3d, 1851.

By this act, the Governor was authorized, by an issue and sale of State bonds to negotiate a loan not exceeding in amount \$200,000, and to apply the proceeds to the payment of the State bonds falling due in 1851.

The bonds thus to be issued, were by law made payable in five years, but redeemable at the pleasure of the State, at any time after two years; and to bear interest, at the rate of six per cent. per annum.

The negotiation and sale of these bonds was effected through the agency of Mr. Hugh Campbell, of Philadelphia, whose faithful and efficient attention, in seeking the best market for the bonds, and making a prompt application of the proceeds, in taking up the State bonds which had matured, and were payable in New York, merited, as it received, my highest commendation and approval.

The shortness of the time these bonds had to run, and the consequent indisposition of capitalists, to withdraw their money from other channels, for the purpose of so short an investment, rendered it impossible to effect a negotiation at par. The best offer made was at ninety-four per cent., which makes the loan to the State, at a rate of interest, of seven and a half per cent. per annum.

From this sale the State realized \$188,000, which together with the sum of \$72,261, drawn from the treasury, made the amount of State bonds due in 1851; and which, with the means stated above, have been paid off, and are now filed in the Auditor's office, together with my correspondence in reference to the temporary loan, and the redemption of the State bonds.

The bonds of the State outstanding on the first day of October, 1852, and which constitute the State debt, amount to \$857,000. From this may be deducted \$272,263.60, held as stock in the bank, the interest on which is paid out of the dividends; and the bank is responsible to the State for the principal. This leaves the State debt \$584,736.40. Of this amount, \$255,000 falls due in 1853, and for the payment of which there will be ample means in the treasury. The debt will then be reduced to \$329,736.40, and of this \$200,000 (the temporary loan bonds), falls due in the year 1856—leaving the balance of State debt \$129,736.40, which does not fall due until the years 1862-63.

It will be seen from the Auditor's report, that \$402,000

of the State debt falls due in 1862-63, but in this, is embraced the bank stock bonds, to which I have alluded above.

I do not include in my estimate of State debt, the Pacific railroad bonds. The company is responsible to the State, for payment of the interest and the redemption of the principal. They constitute no tax whatever upon the State.

If the present rates and objects of taxation should not be altered, the revenue to be received in the next two years will not fall short of \$675,000, or \$700,000. This amount, and the balance of previous years, which we may suppose to be in the Treasury at that time, will far exceed any demand for the support of government, and the payment of our State debt; for none of the bonds fall due in the next two years for the redemption of which we have not means already provided.

In the next two years we may look for a very large increase in the amount derived from the present subjects of taxation. In the subject of land there will be added to the tax list for 1853, more than a million and a half of acres. Upwards of three hundred thousand acres, part of the five hundred thousand acre grant—about one million of acres forwarded from the different land offices as subject to tax, and also upwards of 300,000 acres which have been entered, since the passage of an act of the last congress, removing the restrictions of the compact between the general government and this State, and allowing all lands to be taxed from and after entry.

The rates of taxation, therefore, may be very much reduced. The people of Missouri have borne heavy taxes without a murmur. These taxes were increased, because it was seen that our State debt, and the interest accumulating thereon, was growing upon us. We had to borrow money in order to pay interest on previously contracted debts,—a state of things not recognized as proper, either in domestic or political economy.

The people have reason to congratulate themselves upon their enviable position; and should circumstances in

the future ever require it, we have a sufficient guarantee, that they will submit to any amount of tax, necessary to sustain the honor and credit of the State.

I recommend that the rates of taxation be reduced, upon all taxable property, and also a thorough revision of the law, in reference to merchant's license, by which the tax upon license may be reduced in such manner as to relieve that branch of trade, from the very heavy burdens which are now imposed upon it; and at the same time, made to operate equally and alike upon all parts of the State. As the law is at present, with its provisions not very well defined, it is administered, as I understand, upon entirely different principles, in different counties in the State.

The rate of taxation may be reduced, and at the same time allow for such ordinary and extraordinary appropriations, as are likely to be made by the Legislature, and of a character which the public good seems to require; but fail to reduce the taxes, and a large amount of money will accumulate in the treasury, and as a consequence (which will certainly follow,) extravagant and unprofitable legislation will grow out of it, in which the great interests of the people will in no wise be advanced.

The bank acts as the fiscal agent of the State, in paying the interest as it falls due, on our State bonds. The accounts between the bank and the State, for such service, are kept balanced in accordance with the law of the last legislature on that subject.

In the payment of interest, the bank charges the State the usual exchange, and the amount is embraced in the account certified to the Auditor. The law does not seem to contemplate such a change; yet, it may be considered an incident to the performance of such service. But the fact that the bank at all times having a very large amount on deposit, without interest, belonging to the State, may be a reason why these incidental expenses were not embraced in the law.

I suggest, in order to prevent a difficulty in the periodi-

cal settlement of these accounts, that the law be so amended, as either to allow or disallow such charges.

The commissioners appointed by an act of the last legislature, to settle the account which the bank held against the State, the proper amount of which had been a subject of controversy, have made their report to the auditor—allowing the bank \$97,321.02 which has been paid.

I again call the attention of the legislature to the radical defects in the law for assessing and collecting the revenue, from a tax upon land. I brought this subject to the consideration of the legislature in my last message, and beg to refer now to the facts adduced, and the reasons given there for the opinions expressed. Experience and observation, have only served to confirm me, in the correctness of what I then said.

Adopt the numerical system of assessment; let the tax book be so made out, as to begin at the lowest number of range and township in each county, commencing at section one and running up to thirty-six, then we will have a system which will effectually secure all lands to be assessed by their proper numbers; and it will be impossible for the State to fail in getting her revenues upon all lands certified as subject to tax; whereas, now, by some negligence or omission, lands have been dropped from the assessor's book, or were never placed there.

It is susceptible of demonstration, that there are many thousands of acres subject to tax but are never assessed. By the numerical system lands can never be twice assessed; but now it is often the case, that the same lands are to be found on the resident, and also upon the non-resident list; and not unfrequently is it the case, that the same land is to be found twice on the same list, not in the same name, but representing the same land by its number of township, range and section.

Again, this system will greatly aid the county courts, in properly adjusting the delinquent list, and also the collector in the receipt of taxes. The present defective mode of assessment, creates such a distrust, as to the cor-

rectness of the proceedings, that it is almost unnecessary to try to enforce payment of taxes due, and for which the list of lands are to be sent to the different counties for sale. The fees paid to the printer, and to the various officers, usually consume about the amount realized.

The expense consequent upon the introduction of this system will be but a trifling item, compared with its benefits. The system once introduced becomes permanent, and is only to be added to every year as lands become taxable.

The system of numerical arrangement of lands, is the one practiced upon by the general government, and without which, the whole land system would long since have been in confusion.

Since the adjournment of the last legislature the important improvement contemplated by the constitution, in the substitution of election by the people, for the appointing power of executive, has been carried into effect.

Doubts have arisen as to the time the officers elected, are to enter upon their duties. I have been inclined to the opinion, that the only object of the amendment, was to introduce a new mode of choosing public officers, and that it interferes with no other provision of the constitution, except the appointing power.

This leads me to the position that those holding office prior to the amendment of the constitution, will hold their respective offices for full constitutional terms, and which cannot be cut short by the change, as to the power only, from whence appointments are to be made for the future.

In discharge of my official duty, where I have been compelled to act, I have been governed by this view of the subject.

The duties are continually increasing and becoming more onerous upon the judges of the supreme court. Four terms are to be held in a year, and the judges are kept upon the bench, in court, at least eight months of that time; leaving one month of vacation between each term and this to be employed in traveling to and from the courts, and also in study and preparation for the duties before them.

The office is more laborious than any other in the State. Large sums of money must be expended in keeping up a library creditable for such a position, and the expenses in traveling and attending upon the courts—all these constitute a very large item of annual expenditure.

The judges, like other men, have their families to support; and while they devote all their time to the discharge of official duties, those who elevated them to that position, and require this service at their hands, will not refuse them a compensation commensurate with the important duties they have to perform.

I am satisfied the present salary is too low, and from a sense of duty and a conviction of its justice, I urge upon the legislature the propriety of increasing the salary of these judges.

The State Tobacco Warehouse has not yet been sold. Bids have been made for it, but I have felt it my duty to reject them. The property is now very desirable, and still increasing in value. It is now in the hands of William Carson, who has shown himself to be a faithful and efficient Warehouse keeper.

While real estate is so rapidly advancing in the city of St. Louis, it seems to me that the interest of the State does not require a sale of the property at any very great sacrifice upon what it has cost.

It has frequently been suggested to me, that the warehouse keeper, who immediately preceded the present incumbent, had made large gains and profits by the use of the house, which had not been accounted for to the State. I have no means of knowing the correctness of these suggestions, but it is alike due to the State and the late warehouse keeper that some one be employed in St. Louis to investigate the matter, and if necessary, to bring suit on the official bond.

The failure of the last legislature to postpone the election of members of congress until after the State should be re-districted, under the new apportionment, has imposed upon the present legislature the duty of providing for the

election of two additional members, to which, by the late apportionment the State is entitled. I have no doubt of the right of the legislature to make provision for electing these members, in such manner as it may deem most expedient.

An additional duty also devolves upon the legislature to re-district the State, so as to provide for the election, in future, of seven members of congress, to which the State is entitled, under the late apportionment.

The subject of homestead exemption is one which I desire again to renew and press upon the legislature.

My opinions were laid before the legislature at its last regular session, and time has only served to confirm me in the correctness of my position then. I beg to renew and press them again upon your consideration:

"The wise and humane policy of exempting a portion of the property of a debtor from execution and sale, has long been recognized by our law. The object of this wise policy has been, at all times, to secure articles essential to the support and maintenance of a family when driven by misfortune into adversity, and to cheer and stimulate them, while thus bowed down to virtuous actions. The true interests, alike of the debtor, creditor and State, would invite all to become freeholders. Adopt this policy, and you at once offer an incentive to all to secure a little home, where they can raise up their family, educate their children, and become useful members of society. On the other hand, it is a blind policy which places the indigent and the unfortunate in a position of dependence, and at the very time when they need aid, strips them of the means which alone can afford it. As the law now is its exemptions afford but little practicable benefit, to those who would desire a homestead, and must necessarily, almost operate upon those who are tenants. He is allowed some of the products of a farm—tools; horses or oxen to cultivate it; but if he take them, he retains no homestead; thus encouraged, to obtain the implements of industry, but forced to use them on the farm of another.

"I have heard no objection urged against this policy, which, in my opinion, merits consideration, except the one, that it conflicts with the rights of creditors, and violates the clause of the Constitution, which prohibits any law to be passed, impairing the obligation of contracts. As I recommend a homestead exemption, in addition to the property already exempted by law, I trust that it may not be thought out of place, that I offer a few reasons to show that there is no force in this objection. Contracts are made by parties, and if sanctioned by law, it promises to enforce performance, should the party decline performance himself. The obligation of a contract, therefore, within the meaning of the constitution, is that law which binds the party making the contract to a performance thereof. Does a law which reserves to the head of a family, his horse, his oxen, or his plough, relieve him from the performance of his contract? Certainly not. The obligation remains yet in force, nor is it impaired in any manner. This question has not failed to undergo judicial investigation, and the courts have all based their decisions upon the ground that such legislation acted on the remedy only, without infringing at all upon the obligations of contracts, and that it may be made to operate upon past contracts, as well as future. The position here assumed is sustained by the highest judicial tribunal known to the constitution. In a case before the court involving this point, Chief Justice Taney, in delivering the opinion of the court, says: 'If the laws of the State passed afterwards, (that is after the making of the contract,) had done no more than change the remedy upon contracts, they will be liable to no constitutional objection, for undoubtedly a State may regulate, at pleasure the modes of proceeding in its courts in relation to past contracts as well as future. It may, if it thinks proper, direct that the necessary implements of agriculture, or the tools of a mechanic, or articles of household furniture shall, like wearing apparel not be liable to execution on judgment. Regulations of this description have always been considered in every civilized community, as

properly belonging to the remedy, to be exercised or not by every sovereignty, according to its own views of policy and humanity.' It is absurd to say, that if, as is here admitted, a State legislature may pass laws, exempting from execution and sale necessary implements for the use of a farm, that it may not also exempt a homestead for the same party, in order to render those implements available.

"I submit the matter to the legislature, with no other desire than that it shall carefully protect the rights of creditors, while I hope, also, that something may be done for the relief of the oppressed, and afford a means of support for the mother and the education of the young and helpless, which will doubtless do much in the prevention of crime, and the advancement of morals."

The selection of swamp lands donated to the State by the general government has not yet been completed.

The donation of these lands to the counties, has had the effect to mislead some of the county courts as to their duties, and which has induced them to throw obstacles in the way of selecting the lands.

It is made the duty of the county courts to provide the compensation for agents, which in several instances, they have refused; and some of them, because the land had been prospectively donated to the counties, even denied the right of the Governor to appoint an agent. I have advised the agents in such cases to proceed with the selections assuring them compensation by the legislature. It is but just that they be paid, and that the compensation should be taken out of the first proceeds of the sale of these lands.

The duty of appointing the agents belonged exclusively to the Governor, but having little information as to suitable appointments in many of the counties, I appointed comparatively few, but requested the county courts of counties where I had made no appointments to designate some suitable person for the work.

The surveyor general has published a circular to the different counties which have not yet reported their selec-

tions, giving them until the first day of March next for their completion. The object of this circular meets with my approbation.

Many counties in the State have no such lands; but I have no doubt all having such will complete their selections by the time designated.

I have no definite information by the swamp land commissioners, appointed by an act of the last legislature, as to their present progress in the re-clamation of swamp lands, in the south-east part of the State.

The three charitable institutions—the Lunatic Asylum, the Deaf and Dumb Asylum, and the Institution for the Education of the Blind, as well deserving the aid and fostering care of the State.

The unfortunate portion of our race, who are to be the inmates and beneficiaries of these institutions, call loudly upon us, and every consideration of duty requires that our charity to them should not be given grudgingly, nor with a sparing hand.

The Lunatic Asylum, so far as the capacity of the institution extends is mainly in accordance with the most recent improvements, and will compare favorably with the best regulated insane institution in our country. But it needs many additional improvements to afford the necessary accommodations, such as all experience has shown are wanting in order to place its inmates in the most favorable position for a reclamation and restoration to sanity. A visit to the institution has satisfied me how well its internal affairs are conducted by its most efficient superintendent, and I recommend to the legislature his report and the suggestions it contains for the further improvement of the institution.

The Deaf and Dumb Asylum is commended also to the favorable consideration of the legislature, as an institution worthy of a liberal appropriation in order to facilitate the charitable purposes for which it was established.

I have not such information as will enable me to suggest the extent of improvements necessary to be made;

but it is evident it will need a considerable sum to place the Asylum in a position to accomplish the benevolent and charitable purposes for which it was instituted.

I refer the legislature to the report of the worthy superintendent who presides over the institution for valuable information in reference to it, and recommend its suggestions to the favorable consideration of the legislature.

The institution for the education of the blind may also require some legislation, though I have not recently received any definite information as to its present condition and prospects.

The DeLisle claim has been settled by a decree of the supreme court of the United States in favor of the State of Missouri. This secures and quiets the title of the State to a very large amount of property, embracing no less than half the city of Jefferson, and in its bounds the capitol of the state. The money put at my disposal to employ counsel in the case, in the supreme court of the United States, was used in employing Miron Leslie, Esq., who had been the counsel before the courts of the State.

The cause was pending for several terms in the court at Washington, and required of the counsel a visit there in attending upon the court. I am satisfied that the means at my disposal to pay was not an adequate compensation for so important services. I therefore recommend to the legislature that Mr. Leslie be allowed additional compensation.

By an act of the last congress, eleven thousand forty-two dollars and sixty-eight cents were appropriated to defray the expenses of surveying and marking the boundary between the States of Missouri and Iowa, under the recent decision and order of the supreme court.

The State having advanced one-half these expenses, it only remains, by a correspondence with the Treasury Department at Washington, to determine the manner of drawing the amount thus advanced, and which is to be paid out of this appropriation.

The settlement of our northern boundary line has

produced serious difficulty in the counties of Schulyer, and Putnam and Dodge, neither of which, as at present organized, has the number of square miles to make them constitutional counties. These counties join our northern boundary line, and the difficulty has arisen in reference to them from a want of proper knowledge as to the true location of this line at the time they were organized. In contemplation of law, the boundary line of the State has been, since its organization, where the decree of the court has now fixed it. The organization of Schuyler county was therefore an unconstitutional act, made so by a misapprehension of our true northern boundary. Nor has that county, in my opinion, ever been entitled to any of the privileges and immunities of a constitutionally organized county. Putnam county, at the time of its organization, had the constitutional limits, and they were not reduced by the subsequent organization of Schuyler county, at the same session of the legislature.

But a subsequent legislature organized the county of Dodge, and under the same misapprehension of our true northern boundary, a large portion of territory for this county was taken from Putnam, thereby reducing its limits to less than the number of square miles required by the constitution; nor has the county of Dodge, notwithstanding this, the requisite number of square miles in its limits.

I have stated what I believe to be the correct position of these counties. It is a matter of necessity, as well as of constitutional obligation that these questions should be settled. Putnam county may now, in my opinion, assert her jurisdiction to the extent of her original boundary, disregarding the act organizing Dodge county, as being in direct conflict with the expressed provision of the constitution in reference to the reduction of county boundaries, in the organization of new counties. I look upon Dodge county as occupying the same position of unconstitutional organization as that of Schuyler. It is competent for the legislature to alter county lines, by a change of their bound-

aries, but in doing this, their constitutional limits must always be preserved.

I recommend this subject as presenting a necessity for legislation.

The unfinished condition of the capitol, calls for some attention—with the rotunda finished—the building will then be complete. It will then be no less an ornament than an honor to the State, and every consideration of economy likewise calls for its completion.

A resolution was adopted by the legislature in the year 1837, which required the Governor to take the necessary measures for the selection of the residue of Seminary lands due this State, and which had not been selected and approved by the Secretary of the treasury.

In a correspondence with the treasury department, the right of Missouri, to 560 acres was admitted, and I was authorized to have the same selected. Fielding Burnes, Esq., was my agent for the purpose; the selections have been made and forwarded to the Secretary of the treasury for approval. I believe the agent has made an excellent selection of the lands, and I recommend that the legislature make him some compensation for his services.

I call the attention of the legislature to the report of the committee appointed to settle the accounts of the late treasurer. The amount of defalcation, \$37,045.91, is well secured by the official bond.

I entertain the opinion that suit might have been brought upon the bond, immediately after the report of the committee, but it was thought best to await the action of the legislature. The attorney general should be required to bring suit upon the bond. It is believed the securities will have a portion of the money to pay, and it is due, alike to the State as well as the securities, some of whom have expressed a solicitude upon the subject, that the suit should be instituted, for the longer it is delayed, the greater will be the hardships upon those who ultimately will have to pay.

Until the late amendment of the constitution, the

treasurer was elected every two years, and every new election he was to give a new bond; now, the treasurer being elected for four years, the law will need some amendment; I suggest that the bond be required to be renewed every two years; and I suggest also, that as the penalty of the bond was fixed at a time when our receipts into the treasury were comparatively small, that it also be enlarged.

The duties and responsibilities of the treasurer have greatly increased—requiring his entire attention, both day and night. I am satisfied that his compensation is inadequate for the services performed, and the responsibility resting upon him, and recommend that his salary be increased.

The University is represented as being in a prosperous condition. There are one hundred and fifty-four students in attendance, and its prospects, connected with its highly favorable position, renders it equal if not superior to any similar institution in the west.

The necessary annual expenses of a student, are estimated at \$105. per annum such as boarding, tuition fees, &c., any other additional expenditures is entirely optional with the parent, guardian or student.

Besides the University, there are a number of colleges and academies, in the different parts of the State, most creditably sustained, showing a commendable zeal, and an increased determination, to afford the means of education, and a diffusion of knowledge among the youth of the country.

The subject of common schools, is one of most absorbing interest to the people. They are the store-houses and workshops in which are prepared the material for building up those higher institutions of learning, and they flourish, in proportion as the mind of youth is fitted and prepared there.

More than two centuries ago our ancestors, driven by oppression from the mother country, early turned their attention to the cause of education. They soon learned to

appreciate the great power of knowledge, and upon its foundations they reared the superstructure of our present happy form of government. The system of free schools was introduced by enactments of law, and their energy in the cause of education, was unabated down to the period of the revolution; and the States which have practiced upon the examples thus set, have most advanced in this great work. I pressed this subject upon the legislature two years ago; I beg now, to refer to my positions and sentiments then. Time has only served to impress them more forcibly upon my mind.

The report of the superintendent of common schools will be laid before you. Its recommendations and suggestions, if carried out, will greatly improve our system of common school education. I recommend the report as worthy of the favorable consideration of the legislature.

A committee was appointed at the late extra session to condense and remodel the law for the organization and government of common schools. A report will be made to the legislature. I concur in its recommendations and ask for it your favorable consideration.

I feel it my duty again to call the attention of the legislature to the condition of the University, and other educational funds which are vested in bank stock. If it is possible, measures should now be taken to secure these funds. Two years ago, such was my solicitude for their safety, in order to secure them I was willing to see the bank rechartered upon entirely different principles; provided, these funds were fully restored to the State; but the friends of the bank let the propitious moment pass. The inducements then were thought by many, as sufficient for offering a recharter, but they greatly lessed now. The charter has but three years to run, and I can clearly see, that the position of those is greatly strengthened, who have been willing to take steps for the security of those funds, but without a recharter of the bank.

The condition of the penitentiary requires the special attention of the legislature. The lease expires in Feb-

ruary next, and the duty of providing for its future disposition and management calls for immediate legislation.

By an act of the last legislature, the Governor was requested to lay before the present general assembly such accurate and reliable information as he might be able to obtain from any source whatever, touching the best system of prison discipline, and the mode of constructing State prisons.

Upon due consideration of the best mode of arriving at the objects and wishes of the legislature, I determined to appoint the Rev. A. L. Hamilton, as the agent of the State to visit the several States where prison discipline, and the best mode of constructing State prisons had been brought to most perfection. I am gratified to be able to lay before the legislature the result of the labors of Mr. Hamilton. His success in bringing together a large amount of useful information on this subject, has far surpassed my most sanguine expectations. The ability with which the subject is treated in the report of Mr. Hamilton, which I lay before the legislature, together with the plans, drawings and specifications which accompany the same, show that he has mastered the subject, and is able to present to the legislature all that was contemplated by the law.

The designs of the plans, drawings and specifications are by the Hon. Lewis Dwight, of Boston, and the architecture by Gridly J. F. Bryant, of Boston. The plan here furnished for a State prison, combines all the recent improvements, and offers to the legislature a fund of useful information rarely possessed by a legislative body, when engaged in a reformation of prison discipline, and the best mode of constructing State prisons.

I commend the labors of Mr. Hamilton to your favorable consideration. And, although no contract was made by which he should be compensated for his labors, beyond the appropriation put at my disposal, yet, I am quite certain that the amount of service rendered, and the necessary expense in procuring the plans, drawings and specifications, will exceed any compensation which it was in my power

to give, and I submit to the legislature the justice and propriety of awarding to Mr. Hamilton additional compensation for his services.

The subject is now before the legislature, and I entertain an earnest hope that something may be done. The present is a proper time for a thorough reorganization of the penitentiary, and to introduce a system of prison discipline more in accordance with the design for which such institutions are established, than it has been possible to do under the present organization.

I will not enter into details in regard to the condition of the institution. I leave this for the inspection of the legislature or its committee.

There are at present 235 convicts in the prison, and to keep these, there are 120 cells, each one capable of holding one convict, and 36 cells in which there has to be confined at night from three to four prisoners. The buildings are all in a dilapidated, wornout and useless condition, except the one containing 120 cells and that is not safe for the uses intended. There is not room within the walls, and if the legislature should determine to re-construct the whole internal arrangement of the prison, the first step will be to provide for a larger yard.

The question of internal improvement is one of absorbing interest to the people of the State. The public mind in every quarter seems to be awakened on the subject, and doubtless the members of the general assembly coming up to the extra session fresh from their constituents, and fully instructed as to their wishes, have acted in accordance with the publicly expressed sentiments of the people in enacting the laws just passed upon this subject.

In the passage of these laws the legislature has affirmed the policy adopted two years since, as to the manner of giving the aid of the State to works of internal improvement. The question therefore, latterly, was one of sound policy and fraught with consequences of the very greatest moment to the State, in the extent to which this aid should be given. The financial condition of the State is on a

most favorable footing, and it would be matter of regret that any policy should be adopted by which its credit will in any manner be impaired.

The security of the State consists in the completion of the roads, and any measure taken which will secure the proper application of the means for this purpose, will be but the fulfilment of an imperative duty. It is not only the duty to guard with the greatest vigilance the expenditure of the money raised upon the credit of the State, but we should also be informed as to the expenditure of that portion advanced by the stockholders, for this also constitutes a portion of the indemnity to which the State must look.

The company therefore to which the credit of the State has or may be advanced, should be required to make quarterly returns to the Governor, or some officer of the State, showing, in detail, the subjects and objects to which the money derived from the credit of the State, as well as that advanced by the stockholders, have been applied; and also the number of miles completed and how much it cost, thereby comparing the actual with the estimated cost per mile.

As the legislature has determined to advance the credit of the State to no inconsiderable amount, and seems to have adopted a plan or system by which works of internal improvement are to be carried on, I am satisfied of the propriety of constituting something like a board of public works, to take charge of, and watch over the interests of the State.

The aid of the State is extended upon the ground that the company, operating under a charter, are unable to make the road without this assistance, and all the means thus furnished should be required to be applied to the actual construction of the road under contracts for that purpose, and to the procuring of such other appurtenances and appendages to the road, as to enable the company to put it in complete running order. In other words, that I may be more fully understood, these means should not

be applied to any other purpose, than to such objects, as the lien of the State will extend under the mortgage, and which will, should it ever be necessary to enforce the lien, give some indemnity to the State.

With these necessary precautions, it is not probable, if a company should even fail to pay the interest on bonds as it falls due, that the State would be involved to any great amount; certainly not, if the work already done sells, under the mortgage, for fifty per cent. of what it cost.

In reference to the disposition of the land granted to aid in the construction of a road from St. Louis to some point on our western boundary, to be designated by the legislature, good faith and a common understanding required that it should be placed under the management and disposal of the Pacific railroad company; and while it was right for the State to throw around the act, disposing of the land, all the guards necessary to secure its proper application, nevertheless some consideration was due to the opinion of the company as to the location of the road.

In view of the agitation of the public mind, in reference to a national railroad to the Pacific, I have considered it of the very first importance that the legislature should give its energies to the completion of the road from St. Louis, terminating at or near the mouth of Kansas. For when completed, we have a road three hundred miles on a direct line to the Pacific, and will afford an argument more potent than words, that at its terminus must commence the great central national highway.

The legislature has, by its action, determined that this road can be made without the aid of the land grant, and the Pacific railroad company sought the late disposition of the land to aid in the construction of a road terminating at some point on our western boundary south of the Osage river, upon the assurance, on their part, that the road to the mouth of Kansas should be built without the aid of this land. There is to my mind a very good reason why there should be a general acquiescence in the disposition of this

land. If it had been applied to the road terminating at the mouth of Kansas, then we should have had but one road, for no one contemplated making the road to the southwest without the aid of the land.

In disposing of this matter, a question of the greatest importance was presented, shall we have two roads or but one? And in disposing of it, we should discard all local, sectional or personal considerations, and seek to adopt the policy which will advance the great interests of the State. Would this best have been done by cutting off the growing and fertile region of the southwest, from any participation in the advantages which railroad improvement will bring to the country? Would the policy have been a good one which in its tendency was to drive the trade and commerce of that part of the State, to seek an outlet in some other direction than to our own great commercial emporium? These questions were of ready solution. We should not only negative the idea, but our legislation should be based upon the enlightened policy, which will open up the avenues of trade—develop the agricultural and mineral resources of the State, and at the same time build up our own commercial emporium.

Make the Pacific railroad, terminating at or near the mouth of the Kansas—let the Hannibal and St. Joseph railroad be built, and also the southwestern road, with the aid of the land grant, together with the two other roads—the North Missouri Railroad and the Iron Mountain Railroad, and upon the hypothesis that these roads are to be completed, it is most manifest that the State will be greatly advanced in all that appertains to her interests connected with the welfare and prosperity of the people.

The interest manifested in some portions of the State, in reference to connecting lines with these great thoroughfares, has already induced the friends of some of those measures to present their claims for the consideration of the legislature. The encouragement to be given to these will, of course, depend upon the capability and future prospects of the road—the general interests of the State

to be advanced thereby, the country through which the road is to pass, its capability for productiveness in yielding a remunerating compensation for the capital invested, and finally by the energy and determination manifested by the people in the region of country through which the road is to pass, by liberal subscriptions for stock, without which in no case will the State lend its aid.

The spirit of the age demands the introduction of railroad improvement, and the people of the State that neglects to profit by the examples around them, will in the end find their loss to be more irreparable, than it is probable it ever will be, by coming up to the work with spirit and energy—always the sure harbingers of success.

There is an additional incentive, greater than all the rest, which should prompt Missouri to active exertions in railroad improvement.

The great highway of nations to be made to the Pacific, must have a starting point from our State. Every consideration of national policy demands the immediate construction of the road, and latitude and position place us immediately in the route.

All the consideration of philanthropy and the endearing ties which binds us to relatives and friends who have gone to the Pacific, should waken up the people every where to a determination not to wait longer for the beginning of this great work. The thousands of lives sacrificed, not only of the stout and athletic man, but of the more tender and delicate female—the wife, the mother, the sister and the daughter, moved by the tenderest ties of affection, for all that was dear to them, have been induced to sacrifice their lives in an effort to gain our western possessions. The graves, strewn all along the route, thousands of them without a monument to tell, even the names of the dead, call loud upon the living, for a road and all its attendant conveniences, and for want of which their lives had been sacrificed.

In a national view, every consideration of policy demands immediate action. It is a work for the people.

Politicians, stock jobbers and speculators combined, are continually throwing obstacles in the way of commencing this great work, holding out to the people counter plans and projects which promise nothing practical to them, but are only attempts to enable their authors to fleece the people and the government, out of millions more than it would cost to make the road. I trust the people of Missouri will be found as one man, giving all their energies to the support of such measures as will accomplish this great work. They should through their legislature, give strength and power to their representatives in congress, to move in the matter by a demonstration of unanimity and hearty co-operation, which will do much to awaken the public mind on the subject.

I recommend to the legislature to memorialize congress on the subject of this great national highway, and also press the necessity of taking the incipient steps to extinguish the Indian title to territory west of us, and through which the road must run; and finally, to bring about the organization of such territory, which will at once open up the way to American enterprise and American industry in making a still further advance to our Pacific possessions.

Another consideration should induce the people of Missouri, and indeed every American citizen, to press forward this great enterprise. It will be the highway of nations—the key to the commerce of the east—that commerce which has been sought after for thirty centuries, and which, from the days of Tyre, *Queen of cities*, down to the present time, has enriched cities and built up empires, and with the loss of it they have perished.

A road to the Pacific will be a road to India. It will be the first practical demonstration of the idea conceived more than three centuries ago, by Columbus, of going west to arrive at the East Indies. His mission was the eastern coast of Asia, but failed in his errand by the intervention of the American continent. Let the American people carry out the grand conception of Columbus, by a road to the Pacific, and it brings us in contact with upwards of six hun-

dred millions of people, who would be proud, by any exchange of their valuable commodities, to receive our beef, pork, flour, grain and breadstuffs of all descriptions. Let this road be made, and in a few days we can reach the ports of Asia. Then, not only the American people, but all Europe, will abandon the route traveled for more than three centuries—sailing more than thirty thousand miles—doubling a formidable cape, and braving all the dangers incident to so perilous a voyage.

I leave this subject in the hands of the representatives of the people believing that they well understand the great interests involved, and that they will be pressed with a commendable zeal upon the consideration of Congress.

The question of the proper disposition of the public lands, is one for the consideration of the legislature, and its importance is greatly enhanced from the fact of the many schemes of plunder set on foot at Washington, of which the public lands are made the capital, upon which to trade.

Since the payment of the national debt, the public lands have been, more or less, the subject of congressional legislation, and schemes for its disposition have often been consummated, and in a manner which has not much advanced the public good. But latterly projects have been started, and have found friends in the halls of congress, which for the magnitude of the schemes, have no parallel in previous legislation, and which should at once excite a just solicitude among the people and the States, as to their rights in this important question.

The public domain is an inheritance belonging to the whole people, and they should never submit to its disposition, in any manner, which will allow it to be monopolized in the hands of a few stock-jobbers and speculators. The efforts to fasten these enormous schemes upon the government, and thus to parcel out the lands, if successful, will at once thwart all those measures of policy advantageous to the people, such as liberal graduation bills—to make donations to settlers—to make liberal grants to works of inter-

nal improvement, and finally also, to prevent any disposition of those lands by which they shall be withdrawn from the vortex of congressional legislation, and transferred to the States in which they lie.

I am sure the legislature will have expressed the united voice of the people of Missouri, in giving utterance in a memorial to congress, to its decided disapprobation of the schemes of monopoly lately set on foot for the disposal of these lands, and which, if not arrested, will be most disastrous to the country.

I again call attention to the importance of a thorough geological survey of the State. Two years ago I brought this subject to the consideration of the legislature, and recommended a memorial to congress, asking aid in this work. The justice of our claim, though understood, seems not to be appreciated by the government, for a proper development of our agricultural and mineral resources, will enhance the value of the public domain more than four-fold. It is a matter of the very greatest moment for the legislature to consider whether they will wait longer; or will they at once act, and in a way that will secure to the State the benefits of this important work, by an appropriation out of the State treasury.

An appropriation to be annually drawn, running through a period of four years, will accomplish the work. Such an appropriation can be spared from the treasury, and I am certain its results will be of incalculable advantages to the State, to say nothing of individual interests and the advantages to be derived from that class of men, who would be led to engage in mining operations.

I will not attempt to elaborate the subject, for its importance is admitted by all. Let us then act, its benefits will tell with wonderful effect, by showing our capabilities for agricultural productiveness, while a proper development of our mineral resources will show how inexhaustible they are, and that they will compare favorably with any of the great mining districts of the world.

I have now complied with the requirements of the

constitution. I have endeavored to communicate to the legislature the condition of the State, and have recommended such subjects for your consideration as I have deemed expedient.

My connection with the legislature, as the Executive of the State, is drawing to a close. I shall retire to mingle again with the masses, and with a heart full of gratitude to the people of Missouri for the high honor they conferred upon me. I entered upon the important trust with an anxious solicitude, conscious of the magnitude of the task before me, and distrustful of my powers rightfully to comprehend and fulfill all the important duties enjoined upon me.

The executive office is one of action; and in the unnumbered acts filling up the round of my official duties, I have no doubt often erred, but the consolation to me is, that the errors committed were through defect of judgment, and never intentional.

I have felt the force of the truth of Mr. Jefferson's remarks in his inaugural address: "I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground."

I entered upon my duties with diffidence, I have endeavored to discharge them with fidelity. And I ask, through you, gentlemen, to return my warmest thanks and gratitude to your respective constituents for their generous indulgence to me, knowing that they do properly appreciate errors of understanding, if accompanied by sincerity of purpose and purity of motive.

And upon your labors, in discharge of the high duties which devolve upon you, I invoke the aid and countenance of that Infinite power which rules the destiny of man, and sincerely do I hope that He will enlighten your minds and guide your councils to what is best in promoting the prosperity of our beloved State.

AUSTIN A. KING.

EXECUTIVE DEPARTMENT,
CITY OF JEFFERSON, DEC. 28, 1852.

VETO MESSAGE

TO THE GENERAL ASSEMBLY

MARCH 8, 1849

From the Journal of the House of Representatives, pp. 522-525

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 8, 1849.

To the Honorable the General Assembly:

Gentlemen—I have had presented to me for my approval, a bill entitled “An act respecting fugitive slaves.” I regret when in the discharge of an official duty, I am unable to agree with the legislative department in reference to any law which may be passed by it. The law under consideration is one of that character. I therefore return it to the House with the reasons which compel me, from a sense of duty, to withhold from it my approval.

We find that at a very early period in our colonial history, slavery had diffused itself throughout the colonies; and by a usage or custom, which had been adopted by common consent, the owners of fugitive slaves were allowed to take them, in whatever colony found, and convey them to the place or colony from which they had escaped. This was but the offspring of international comity and mutual interest which existed among the colonies at the time of the adoption of the Articles of Confederation.

This right was so universally conceded, that it was not even thought necessary to have it engrafted as one of the fundamental provisions of that instrument. Public opinion, however, soon began to give a different direction to the conduct of several of the colonies on this subject.—Prompted by a sense of self-interest, and discovering that slave labor was comparatively worthless, they withdrew from this customary law its only sanction, and rendered it more difficult for the owner to recapture his slave. Thus the affair stood until the adoption of the Ordinance of 1787,

which was prior to the existence of our present constitution. At that period, the proposition to exclude slavery or involuntary servitude from the N. W. territory was resisted by the slaveholding States, until the provision for the delivery up of fugitive slaves was incorporated into that instrument. With a just sense of the insecurity of that species of property, there being no guards thrown around it by the articles of confederation, and it became more and more apparent, from the constantly recurring incidents which threatened to disturb the harmony of the States, that a want on some legal provision of this subject was felt as a very great grievance by the slave-holding States. In this state of the public mind, the convention which adopted our federal constitution met. It is admitted by the distinguished statesmen, who were members of that convention from the north and the south, that if the rights of slave-holders had not been respected, the Union never would have been formed. The third clause of the second section of the fourth article of the constitution of the United States, is as follows:

“No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulations therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

On this clause depends our only right to recapture our slaves, and there is nothing in it which authorizes or contemplates an executive requisition. The bill under consideration, requires the Governor of this State, upon being satisfied that a slave has escaped from his owner, and that he is harbored or protected by the inhabitants of a state or territory where slavery does not exist, that the Governor shall issue his requisition upon the Governor of such State or territory, requesting that such slave be arrested, delivered up, &c., and that the proceedings under this act shall be similar to the proceedings in the case of a requisition for a fugitive from justice.

The constitution of the United States points out a very different mode of proceeding in the two cases. The second clause of the second section of the fourth article declares as follows: "A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime." There is no law in this State governing the action of the executive in making a demand of the executive of another State for a fugitive from justice; all his powers are derived from the clause of the constitution just quoted, and the act of Congress of 12th February, 1793. Then, if, as is required by the law under consideration, the Governor shall proceed as in the case of a fugitive from justice, the proceeding must be under the clause of the constitution last above quoted, and the first and second sections of the act of 1793; whereas our only right is based upon the third clause of the second section of the fourth article of the constitution, and the third and fourth sections of the act of 1793—for these are the only sections of that act having any reference to fugitives from labor. And to show that a very different state of proceeding was contemplated by the constitution in the two cases—the one of fugitives from justice, the other of fugitives from labor—I am sustained by the opinion of a distinguished jurist, in his admirable essay on the constitution of the United States. Speaking of the two cases, he says: "To the two latter description of persons, no *asylum* can, by the constitution of the United States, be afforded. The States are considered as a common family, whose harmony would be endangered if they were to protect and detain such fugitives when demanded, in one case by the executive authority of the State, or pursued in the other by the person claiming their service." This is the correct construction of the constitution, as I believe; in the one case the fugitive is to be delivered up on the requisition of the executive, in the other no requisition is authorized. It has long been

a ground of just complaint by the southern States, that Congress has not given additional legislation in order to enable them more effectually to recapture their fugitive slaves, for however well the act of Congress of 1793 might have secured their rights at that time, they have long since felt that it affords to them a very inadequate remedy for the re-capture of their runaway slaves, so much so that in a recent case the chief justice of the United States declared that "the act of Congress of 1793, scarcely deserved the name of a remedy."

The slave-holding States have frequently had this subject under consideration, and the grave and important question often, and thoroughly discussed, how and by what means their constitutional rights are to be asserted? For they are continually being satisfied of the truth of the remarks, in the language of the chief justice of the United States, "how ineffectual and delusive is the remedy provided by Congress?" None of the southern States, I believe, have ever pretended that they have any other right than that secured to them by the 3d clause of the 2d section of the 4th article of the Constitution above referred to, nor that there was any other mode of carrying out or making effectual that right, other than by Congressional legislation. And the result of all their deliberations have been to urge upon Congress to amend the act of 1793, so as more effectually to secure to us our constitutional rights.

The supreme court of the United States has in several instances defined our rights and pointed out our remedies in a most satisfactory manner; I refer to but one of them, the case of Prigg vs the State of Pennsylvania, 16 Peters report, page 539. In pointing out the rights secured to the slave holder by the clause of the Constitution under consideration, the court proceed to say: "The clause manifestly contemplates the existence of a positive *unqualified right* on the part of the owner of the slave, which no State law or regulation can in any way qualify, regulate, control or restrain. The slave is not to be discharged from service or labor in consequence of any State law or regulation.

The question can never be, how much the slave is discharged from, but whether he is discharged from *any* by the natural or necessary operations of state law or State regulations. The question is not one of quantity or degree, but of withholding or controlling the incidents of a positive and absolute right. If this be so, then all the incidents to the right attached also; the owner must therefore have the right to seize and repossess the slave, which the local laws of his own State confer upon him as property.

“Upon this ground we have not the slightest hesitation in holding that, under and in virtue of the Constitution, the owner of a slave is clothed with entire authority, in every State of the Union, to seize and recapture his slave, whenever he can do it, without any breach of the peace, or any illegal violence. In this sense and to this extent this clause of the Constitution may be properly said to execute itself, and to require no aid from legislation, State or national.”

The court, after going on to show the right to exist by the clause in the Constitution referred to, proceed further to say, “If therefore the clause of the constitution had stopped at the mere recognition of the right without providing or contemplating any means by which it might be established and enforced, in cases where it did not execute itself, it is plain that it would have been, in a great variety of cases, a delusive and empty annunciation.”

“And this leads to the consideration of the other part of the clause, which implies at once a *guarantee and duty*. It says: ‘But he, (the slave,) shall be delivered up on claim of the party to whom such labor or service is due.’ By whom to be delivered up? In what mode to be delivered up? How, if a refusal takes place, is the right of delivery to be enforced? Upon what proofs? When, and under what circumstances shall the possession of the owner, after it is obtained, be conclusive of his right, so as to preclude any further inquiry and examination into it by local tribunals or otherwise, while the slave is in possession of the owner, or in transit to the State from which he fled?

"These and many other questions will readily occur upon the slightest attention to the clause, and it is obvious they can receive but one satisfactory answer. *They require the AID OF LEGISLATION to protect the right to enforce the delivery and to secure the subsequent possession of the slave.*" After showing the rights of the slave owner, the court then proceeded to show to what tribunal we are to look for the power and means of enforcing this right. The court say, "If, indeed, the constitution guarantees the right, and if it requires the delivery up on the claim of the owner (as cannot well be doubted,) the natural, inference certainly is, that the national government is clothed with the appropriate authority and functions to enforce it. The fundamental principles applicable to all cases of this sort, would seem to be, that where the end is required, the means are given; and when the duty is enjoined, the ability to perform it is contemplated to exist on the part of the functionaries to whom it is entrusted. The clause is found in the national constitution and not in that of any State. It does not point out any State functionaries, or any State actions, to carry its provisions into effect.

"On the contrary, the natural and necessary conclusion is, *that the national government is bound, through its own proper departments, legislative, judicial, and executive, to carry into effect all the rights and duties imposed by the constitution.*"

I will not pursue this subject further. I cannot, consistently with my views of the whole matter, give my sanction and approval to the bill. If, however, it shall suit the views of the legislature that it shall become a law according to the forms of the constitution notwithstanding, I shall ever be ready to accord to its members that high consideration and purity of purpose which I am sure will govern them in their action. And, so far as it may be in the power of the Executive, the duties enjoined on him by the law, shall be faithfully performed.

I have the honor to be, very respectfully.

AUSTIN A. KING.

SPECIAL MESSAGES

TO THE SENATE

JANUARY 2, 1849

From the Journal of Executive Business in Senate Journal, p. 539

CITY OF JEFFERSON, January 2, 1849*To the Honorable, the Senate:*

Gentlemen—I do hereby nominate William A. Hall, to be Judge of the Second Judicial Circuit; and George W. Dunn, of the county of Ray, to be the Judge of the Fifth Judicial Circuit; and Alexander Hamilton, of St. Louis, to be Judge of the Eighth Judicial Circuit, in this State, and respectfully ask the advice and consent of the Senate to the appointment of each, to the office for which he is nominated.

I have the honor to be,

Very respectfully

Your obedient servant,

AUSTIN A. KING.

TO THE SENATE

JANUARY 4, 1849

From the Journal of Executive Business in Senate Journal, p. 540

CITY OF JEFFERSON, January 4, 1849.*To the Honorable, the Senate:*

Gentlemen—I hereby nominate Wilson Brown, of Cape Girardeau county, to be Auditor of Public Accounts of the State of Missouri, for the next four years, and respectfully ask the advice and consent of the Senate to his nomination.

I have the honor to be,

Very respectfully,

AUSTIN A. KING.

TO THE SENATE

JANUARY 22, 1849

From the Journal of Executive Business in Senate Journal, p. 542

CITY OF JEFFERSON, January 22, 1849.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate William B. Napton, John F. Ryland, and James H. Birch, each respectively to fill the office of Judge of the Supreme Court, for twelve years from and after the first day of March next.

I do hereby nominate James W. Morrow, to be Judge of the First Judicial Circuit, for eight years, from and after the first day of March next; and William A. Hall, to be Judge of the Second Judicial Circuit for eight years, from and after the first of March next; and Addison Reese to be Judge of the Fourth Judicial Circuit for eight years, from and after the first day of March next; and George W. Dunn, to be Judge of the Fifth Judicial Circuit for eight years, from and after the first day of March next; and Henderson Young, to be Judge of the Sixth Judicial Circuit for eight years, from and after the first day of March next; and James A. Clark, to be Judge of the Eleventh Judicial Circuit for eight years, from and after the first day of March next; and Solomon L. Leonard, to be Judge of the Twelfth Judicial Circuit for eight years, from and after the first day of March next; and do respectfully ask the advice and consent of the Senate, to the appointment of each, to the office for which he is nominated.

I have the honor to be,

Very respectfully,

Your obedient servant,

AUSTIN A. KING.

TO THE SENATE

JANUARY 23, 1849

From the Journal of the Senate, p. 156

CITY OF JEFFERSON, January 23, 1849.

To the Honorable, the Senate:

Gentlemen—The nomination just made for Attorney General, was made to take effect from and after the first day of February next, in accordance with a previous understanding between B. F. Stringfellow, Esq., the present Attorney General, and William A. Robards, Esq., the nominee before your honorable body. This arrangement was made known to me by the latter gentleman, with the understanding by the former, that the nomination should be so made. But for this fact, the nomination would have been made to take effect from and after the expiration of the term of the present incumbent.

I beg leave most respectfully to withdraw said nomination^U. I have the honor to be,

Very respectfully, your ob'dt servant,

AUSTIN A. KING.

TO THE SENATE

JANUARY 23, 1849

From the Journal of Executive Business in Senate Journal, p. 541

CITY OF JEFFERSON, January 23, 1849.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate William A. Robards, of Boone county, to be Attorney General for the next four years, to take effect from and after the first day of February next.

I do hereby nominate Allen P. Richardson, to be Register of Lands, for the next four years, to take effect from

and after the expiration of the term of the present incumbent, and do respectfully ask the advice and consent of the Senate to the appointment of each to the office for which he is nominated.

I have the honor to be,

Very respectfully, your ob'dt. serv't.,

AUSTIN A. KING.

TO THE SENATE

JANUARY 24, 1849

From the Journal of Executive Business in Senate Journal, p. 545

CITY OF JEFFERSON, January 24, 1849.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate William A. Robards, of Boone county, to be Attorney General for the next four years, to take effect from and after the expiration of the time of the present incumbent, and do respectfully ask the advice and consent of the Senate to his appointment of said office.

I have the honor to be,

Very respectfully,

AUSTIN A. KING.

TO THE SENATE

JANUARY 24, 1849

From the Journal of Executive Business in Senate Journal, p. 545

CITY OF JEFFERSON, January 24, 1849.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate Foster P. Wright, to be Judge of the Seventh Judicial Circuit, for eight years from and after the first day of March next; and Charles S. Yancy, to be Judge of the Thirteenth Judicial Circuit, for eight years from and after the first day of March next; and Jno. H. Stone, to be Judge of the Ninth Judicial Circuit, for

eight years from and after the first day of March next; and Alexander Hamilton, to be Judge of the Eighth Judicial Circuit, for eight years from and after the first day of March next; and Carty Wells, to be Judge of the Third Judicial Circuit, for eight years from and after the first day of March next, and do respectfully ask the advice and consent of the Senate to the appointment of each to the office for which he is nominated.

I have the honor to be,

Very respectfully your ob'dnt. servn't.,

AUSTIN A. KING.

TO THE SENATE

JANUARY 29, 1849

From the Journal of Executive Business in Senate Journal, p. 547

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 29, 1849.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate Harrison Hough, to be Judge of the Tenth Judicial Circuit, for eight years from and after the first day of March next; and Daniel M. Leet, to be Judge of the Fourteenth Judicial Circuit, for eight years from and after the first day of March next, and do respectfully ask the advice and consent of the Senate to the appointment of each to the office for which he is nominated.

I have the honor to be,

Very respectfully, your obdn't. servn't,

AUSTIN A. KING.

TO THE GENERAL ASSEMBLY

FEBRUARY 10, 1849

From the Journal of the Senate, p. 257

CITY OF JEFFERSON, February 10, 1849.

To the honorable, the General Assembly:

I have received from the State of Florida resolutions adopted by her Legislature, relative to the question of

slavery, now in controversy between the North and the South; accompanied with a request that they be laid before the Legislature. To these resolutions I invite your special attention. They are herewith transmitted.

The subject to which they refer is one full of interest and importance. An investigation of the difficulties that surround this momentous and exciting question, naturally leads us to the apprehension of danger for the permanency of our Union—a danger that can best be avoided, by a calm and deliberate consideration of our rights as a sovereign State.

We confidently believe, however, that by the exercise of that same spirit and patriotism which has hitherto given direction to the public will, and has thus far enabled us to resist the dangers from without and within, which have threatened our glorious Union, we will be enabled again to dissipate the portentous cloud now silently accumulating, and threatening to burst hereafter with most astonishing effect. By so doing, we will show to the lovers of freedom everywhere, how strong are the ties which unite us together in the bonds of a common union.

I have the honor to be, very respectfully,

AUSTIN A. KING.

TO THE GENERAL ASSEMBLY

FEBRUARY 15, 1849

From the Appendix of the Journal of the Senate, p. 232

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 15, 1849.

To the Honorable, the General Assembly:

Gentlemen—I have received resolutions passed by the Legislature of Virginia, and transmitted to me by his Excellency, the Governor, with a request that they be laid before the Legislature of Missouri. To these resolutions I invite your attention. They are herewith transmitted.

I have the honor to be,

Very respectfully,

AUSTIN A. KING.

TO THE SENATE

MARCH 2, 1849

From the Journal of Executive Business in Senate Journal, p. 548

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 2, 1849.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate Ephraim B. Ewing to fill the office of Secretary of State, for the next four years, from and after the expiration of the term of the present incumbent, and do respectfully ask the advice and consent of the Senate to his appointment to said office.

I have the honor to be,

Very respectfully, your obdn't. serv'nt.,

AUSTIN A. KING.

TO THE SENATE

MARCH 12, 1849

From the Journal of the Senate, p. 538

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 12, 1849.

To the Honorable, the Senate:

Gentlemen—In reply to the resolution of the Senate just received, enquiring if the executive had any further business, I have the honor to state that my communications to the present General Assembly have all been made.

I have the honor to be,

Very respectfully, your obdn't. serv't.,

AUSTIN A. KING.

TO THE HOUSE OF REPRESENTATIVES

MARCH 12, 1849

From the Journal of the House of Representatives, pp. 585-586

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 12, 1849.

To the honorable, the House of Representatives:

Gentlemen—In reply to the resolution of the House of Representatives, enquiring if the executive had any further business, I have the honor to state that my communications to the present General Assembly have all been made.

I have the honor to be,

Very respectfully, your obd't. serv't.,

AUSTIN A. KING.

TO THE SENATE

JANUARY 4, 1851

From the Journal of the Senate, p. 52

CITY OF JEFFERSON, January 4, 1851.

To the Honorable, the Senate:

Gentlemen—I do hereby nominate Samuel Treat of the county of St. Louis, to fill the office of Judge of the St. Louis Court of Common Pleas, and do respectfully ask the advice and consent of the Senate to his appointment to said office. I have the honor to be very respectfully,

Your obedient servant,

AUSTIN A. KING.

TO THE SENATE

JANUARY 9, 1851

From the Journal of the Senate, p. 73 & Appendix, p. 240

CITY OF JEFFERSON, January 9, 1851.

To the Honorable the Senate:

In compliance with a resolution of the Senate, I have the honor herewith to communicate all the information in

my possession from the commissioner of the General Land Office, and also the steps which I have taken in the matter of the swamp lands donated to the State of Missouri. It is my purpose to write to the surveyors and other gentlemen residents of the counties in which these lands are situated and to avail myself of suggestions made in the letter of the commissioner unless the legislature indicates a different course as most proper to pursue.

I have the honor to be,

Very respectfully,

AUSTIN A. KING.

TO THE GENERAL ASSEMBLY

FEBRUARY 15, 1851

From the Journal of the Senate, p. 278

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 15, 1851.

To the Honorable the General Assembly:

I have had the honor to receive from the Hon. Charles J. McDonald, President of the Southern Convention held at Nashville, Tennessee, a copy of the preamble and resolutions adopted by that Convention, accompanied by a request of the President, that I lay the same before the Legislature. In compliance with that request, I herewith transmit the preamble and resolutions of said Convention to the Legislature.

The subject matter embraced in the preamble and resolutions, is one which has occupied much of the attention of the people of Missouri for the last two years, and upon which I hazard but little in saying, they have arrived at very different conclusions to those expressed by the Convention at Nashville.

I have the honor to be very respectfully,

AUSTIN A. KING.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 3, 1851

From the Journal of the Senate, pp. 441-443, Appendix, pp. 252-254

To the Honorable, Senate and House of Representatives of the State of Missouri:

Gentlemen—I learn from your joint committee, that the Legislature is now ready to adjourn, and I am called on to say if I have any further communications to make.

A sense of duty demands that I shall bring to your consideration, the condition in which the law relative to the election of members of Congress is about to be left. It is uncertain, as yet, whether the State, under the seventh census of the United States, will be entitled to six only, or whether she may not have seven members to Congress, and for this reason the legislature has failed to district the State. No inconvenience, however, can arise from this fact, as the members to the thirty-second Congress are already elected, and whose terms do not expire until the 4th of March, 1853. The next election will be for the thirty-third Congress, the members to take their seats in December 1853, nearly a year after the sitting of the next regular session of the legislature.

I respectfully, but earnestly recommend, that a bill which has already passed the House of Representatives, and now pending in the Senate, be passed repealing the law allowing an election for members to Congress in August 1852 and fixing the next election in August, 1853. This will allow the members to be elected, four months before they take their seats, and will also give time for the next legislature to lay the State off into such numbers of districts as we may be entitled to members under the ensuing apportionment. If this is not done, and the present law is permitted to remain in force, we will present the anomaly of electing five members to Congress in August 1852, when,

by the apportionment, I have but little doubt, we will be allowed seven. But this is not all. The next legislature will re-district the State, and seven members may be allotted to Missouri. In that event we will have a contest for seats, or the State lose a portion of her representation.

Some, no doubt, very honestly entertain the opinion that the constitution of this State presents a barrier to the course I suggest. With all due respect for those who entertain such an opinion, I do not hesitate to say that the constitution of Missouri, does not in the remotest manner, have a bearing, either directly nor indirectly upon the election of members to Congress. The constitution of the United States in the 1st clause of the 4th Section of the first Article says: "The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof." This gives full power to the legislature to prescribe the time of holding the election.

In 1829, when it was foreseen by the legislature, then in session, that by the census to be taken in the next ensuing year, that the same difficulty would arise, which is now apparent, if the present law, remains in force, a law was then passed which afforded an ample remedy. Prior to 1829, the law of 1824, governed the time of holding elections for Congress, and provided that the election should be held in August 1824, and every two years thereafter—this law fixed the election of a member to Congress at the same time of the general election, under the State constitution, for State officers, and it so remained until 1829, when the following law was passed and approved: January 27th, 1829. "That the next election for a Representative or Representatives to the Congress of the United States, shall be holden in each township in the several counties in this State, on the first Monday in August 1831, instead of the time now required by law." And the 2nd section declares, "That so much of the act entitled 'an act to regulate elections, approved December 24th, 1824, as is inconsistent with this act, so far as it applies to the next congressional

election, be, and the same is hereby repealed'." By this act our Congressional elections were brought on, at a time when we had no general election for State officers, and the law so remained until the session of 1835. In the revised code of that year the law is to be found which changed the time again as follows: "That an election shall be held at the several election precincts in this State, on the first Monday in August next, and on the first Monday in August 1836, and on the first Monday in August every two years thereafter, for the purpose of electing two members to Congress from this State." This law was approved, February 4th, 1835, and by its provisions we actually did hold an election for members to Congress in August 1835, and again we held another election in August 1836. The constitution imposed no barriers to this, so that the election were not for members to the same Congress, which they were not. If it is asked why have the election in August 1836, when one had been held in August 1835? I have to reply, that as a matter of policy, it was thought best to so frame the law as to have the election for members to Congress on the same day that we held our general elections, for State officers, from which it had been changed by the act of 1829, and for the very reason which now makes it necessary to repeal the present law and fix the time for the next election in August 1853 or such other time at an earlier period, as may be designated by the next legislature; the only effect of which will be, that members will only be elected four months before they take their seats, instead of sixteen months in advance of that time, as the law now is.

It is said that the Governor must call an extra session of the legislature to remedy this evil. Why call an extra session, at an expense of twenty-five thousand dollars to the people? When the whole difficulty can be avoided, by a half hour's legislation, by the representatives of the people now in session, and at not one cent additional cost to that which has already been incurred.

The necessity for legislation is now apparent to me,

and will afford no ground for the call of an extra session. I have only done what I conceive to be my duty in bringing this matter to your consideration; here my duties end; it is for you to apply the remedy, or allow the State to encounter all the difficulties which will follow a failure to repeal the law to which I have referred. I do not allow myself, for a moment, to suppose that your course will be dictated by any other consideration than that of the public interest; and permit me to assure you, that I am prompted by no other consideration in bringing this subject before you.

I have the honor to be,

Very respectfully,

AUSTIN A. KING.

EXECUTIVE DEPARTMENT,
CITY OF JEFFERSON, MARCH 3, 1851.

TO THE GENERAL ASSEMBLY

SEPTEMBER 8, 1852

From the Journal of the House of Representatives, p. 70

CITY OF JEFFERSON, September 8, 1852.

To the Honorable the General Assembly:

Since the adjournment of the last legislature two vacancies have occurred, one in the office of Treasurer, by the death of Peter G. Glover, late Treasurer of the State, and the other by the resignation of Wilson Brown, late Auditor of Public Accounts.

I have caused settlements of the accounts of these two officers respectively to be made by appropriate committees as required by law; and in compliance with the law which requires, such settlements to be laid before the General Assembly at its next session, I herewith transmit the same.

I have the honor to be,

Very respectfully,

AUSTIN A. KING.

TO THE SENATE

SEPTEMBER 13, 1852

From the Journal of the Senate, p. 44

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, September 13, 1852.

To the Honorable, the Senate:

In compliance with a resolution of the Senate, requesting the Governor to furnish an abstract of all the subscriptions taken by counties, individuals, or companies, in good faith, and the character and conditions of such subscriptions in the Hannibal and St. Joseph railroad, and the Pacific railroad, and what amount of bonds of the State have been issued upon the credit of the State to aid in the completion of said roads, upon the faith of such subscriptions, and what progress has been made in the construction of said roads, or either, if he has any information of an official character on the subject. I have to submit herewith papers, numbered one, two and three, which contain all the official information on the subject referred to.

The first exhibit the aggregate amount of moneys subscribed to the capital stock of the Pacific Railroad, the second the affidavits of ten of the Directors and Treasurer, as also a resolution of the Board of Directors of said company, attesting subscription.

Three hundred and fifty thousand dollars in State bonds have been issued to the Pacific Railroad company by installments of fifty thousand dollars each. Exhibit No. 3 contains the evidence upon which these bonds have been issued, as also the amount expended by the company on the road.

In the aggregate amount of subscriptions to the capital stock of the Pacific Railroad, there is nothing on file in the Executive Department, shewing any portion thereof to be conditional, with the exception of that of the county of Morgan, which appears to be conditional; but the terms of the condition not expressed.

In reference to the Hannibal and St. Joseph Railroad, there is no information in possession of the Executive shewing that any stock has been subscribed to that road; nor have any bonds of the State been issued to the company.

I have the honor to be,

Very respectfully,

AUSTIN A. KING.

PROCLAMATIONS

OFFERING A REWARD

JANUARY 6, 1849

From the Register of Civil Proceedings, 1837-1852, pp. 466-467

WHEREAS, it has been represented to me, that on the 22nd day of December, A. D. 1848, a murder was committed in the county of Washington and State of Missouri on the body of James Martin, by one Jennings Hulsey; and WHEREAS, the aforesaid, Jennings Hulsey is not in custody of the law, but has escaped therefrom, and is now going at large, to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby offer a reward of one hundred and fifty dollars for the apprehension of the said Jennings Hulsey, and for his delivery to the sheriff of Washington county.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this sixth day of January in the year of our Lord one thousand eight hundred and forty-nine. Of the Independence of the United States the seventy-third and of this State the twenty-ninth.

(SEAL)

AUSTIN A. KING.

By the Governor
FALKLAND H. MARTIN
Secretary of State.

OFFERING A REWARD

JULY 3, 1849

From the Register of Civil Proceedings, 1837-1852, pp. 497-498

WHEREAS, it has been represented to me that on the third day of July A. D. 1849 a murder was committed in Cole County, in the State of Missouri, on the body of William Mayo, by one Nathan Huffman; and WHEREAS, it is further represented to me that the said Nathan Huffman is now going at large to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby offer a reward of one hundred dollars for the apprehension of the said Nathan Huffman, and for his delivery to the Sheriff of Cole County.

In Testimony Whereof I have set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this
(SEAL) third day of July A. D. 1849 of the Independence of the United States the seventy-third of the State of Missouri the Twenty-ninth.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

ON MUTUAL FIRE AND MARINE INSURANCE

SEPTEMBER 10, 1849

From the Register of Civil Proceedings, 1837-1852, pp. 504-505

WHEREAS, by the twenty-third Section of an act of the General Assembly of the State of Missouri entitled "An act to incorporate the Missouri State Mutual Fire and Marine Insurance Company of Saint Louis approved March 10, 1849 it is provided that no policy shall be opened

by said company until the Governor of the State shall have made proclamation that application has been made for insurance in said company on at least Fifty thousand dollars of which notice shall be given him by the Directors;" and WHEREAS such notice has been given by the Secretary of said company agreeably to said act.

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, in compliance with the provisions of the act aforesaid do hereby make proclamation that application has been made for insurance in the Missouri State Mutual Fire and Marine Insurance Company of Saint Louis, to an amount exceeding fifty thousand dollars.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed the Great Seal
(SEAL) of the State of Missouri. Done at the City of Jefferson this tenth day of September A. D. Eighteen hundred and forty nine.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

OFFERING A REWARD

FEBRUARY 8, 1850

From the Register of Civil Proceedings, 1837-1852, p. 523

WHEREAS, it has been represented to me that on or about the 13th day of January A. D. 1850, a murder was committed in the County of Scott in the State of Missouri, on the body of Benjamin Moore, by one David H. Jeffords; and WHEREAS, it is further represented that the said David H. Jeffords has fled from justice and is now going at large to the great detriment of the peace, good order, and dignity of the State.

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby offer a reward of one hun-

dred dollars for the apprehension of the said Jeffords and for his delivery to the Sheriff of Scott County.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of
(SEAL) the State of Missouri. Done at the City of Jefferson this 8th day of February A. D. 1850.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

OFFERING A REWARD

AUGUST 14, 1850

From the Register of Civil Proceedings, 1837-1852, p. 545

WHEREAS, it has been represented to me that on the 5th day of August A. D. 1850, in the County of Washington in the State of Missouri, a murder was committed on the body of Albert Stacey by one Andrew Silvers, and WHEREAS, it is further represented that the said Silvers, is now going at large to the great detriment of the peace, good order, and dignity of the State,

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri do hereby offer a reward of one hundred and fifty dollars for the apprehension of the said Andrew Silvers, and for his delivery to the Sheriff of Washington County.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of
(SEAL) the State of Missouri. Done at the City of Jefferson, this 14th day of August A. D. 1850.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

ON THANKSGIVING.

NOVEMBER 9, 1850

From the Register of Civil Proceedings, 1837-1852, pp. 558-559

In view of the many obligations we, as a people, are under, to acknowledge the goodness of God for the manifold blessings bestowed upon us—in the preservation of our lives—in securing to us a republican form of Government by which under His divine protection our civil and religious liberties are guaranteed to us—and also every blessing spiritual and temporal which we enjoy—and with a desire also that we should with hearts united make our grateful acknowledgments to Him for the health we enjoy—the fruitfulness of the years and the abundance with which he has crowned our labours,

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do by this my proclamation recommend to the good people of this State that they unite without any distinction of denomination or creed and observe Thursday the 12th day of December next as a day of prayer and thanksgiving to Almighty God, for his favor extended to us nationally and individually.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this 9th day of November A. D. 1850
(SEAL) of the independence of the United States the seventy-fifth of the State of Missouri the thirty-first.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

ON MUTUAL FIRE AND MARINE INSURANCE.

MARCH 26, 1851

From the Register of Civil Proceedings, 1837-1852, p. 583

WHEREAS, the 36th Section of "An act to incorporate the St. Louis Mutual Fire and Marine Insurance Company," approved February 22d, 1851, it is provided that no policy of insurance shall be opened by said company until the Governor of the State, shall have made proclamation that application has been made for insurance in said company on fifty thousand dollars at least, of which, notice shall be given him by the Directors; and WHEREAS notice has been given agreeably to the provisions of said act,

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby make proclamation that application has been made for insurance in "The St. Louis Mutual Fire and Marine Insurance Company," amounting to one hundred and twenty one thousand, eight hundred dollars.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this 26th day of March A. D. eighteen
(SEAL) hundred and fifty-one, of the Independence of the United States, the seventy-fifth of the State of Missouri, the thirty-first.

By the Governor

AUSTIN A. KING.

EPHRAIM B. EWING

Secretary of State.

OFFERING A REWARD.

APRIL 7, 1851

From the Register of Civil Proceedings, 1837-1852, p. 585

WHEREAS, it has been represented to me that on the 22nd day of March A. D. 1851, a murder was committed in

the county of St. Clair, State of Missouri upon the person of John S. Hoover, by one Richard Elliott; and WHEREAS, the said Elliott is now going at large to the great detriment of the peace, good order, and dignity of the State.

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby offer a reward of one hundred dollars for the apprehension of the said Richard Elliott and for his delivery to the Sheriff of St. Clair County.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this 7th day of April A. D. Eighteen
(SEAL) hundred and fifty-one, of the United States the seventy-fifth, and of the State of Missouri the thirty-first.

AUSTIN A. KING.

By the Governor

E. B. EWING

Secretary of State.

Said Richard Elliott is about 6 feet high, stout-built, with rather long arms and large legs.

OFFERING A REWARD.

JULY 2, 1851

From the Register of Civil Proceedings, 1837-1852, p. 594

WHEREAS, it has been represented to me that on the 16th day of June 1851, a murder was committed in the County of Cape Girardeau in the State of Missouri, by one Cornelius C. Collins on the body of William Miner; and WHEREAS, the said Collins has made his escape and is now going at large to the great detriment of the peace, good order, and dignity of the State.

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby offer a reward of One Hundred and Fifty Dollars for the apprehension of the said

Cornelius C. Collins, and his delivery to the Sheriff of the County of Cape Girardeau aforesaid.

In Testimony Whereof, I have hereunto set my
(SEAL) hand and caused to be affixed the Great Seal of
the State of Missouri at the City of Jefferson
this 2nd day of July A. D. 1851.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

OFFERING A REWARD

SEPTEMBER 16, 1851

From the Register of Civil Proceedings, 1837-1852, p. 600

WHEREAS, it has been represented to me, that a murder was committed by one Levi B. Helm on the 14th September inst. in the county of Monroe in the State of Missouri, on the body of Littleburry Shoot, of said county; and WHEREAS, the said Helm is now going at large to the great detriment of the peace, good order, and dignity of the State: NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby offer a reward of two hundred dollars for the apprehension of the said Levi B. Helm and his delivery to the Sheriff of Monroe County aforesaid.

In Testimony Whereof, I have hereunto set my
(SEAL) hand and caused to be affixed the Great Seal of
the State of Missouri. Done at the City of
Jefferson this 16th day of September A. D.
1851.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

OFFERING A REWARD

SEPTEMBER 17, 1851

From the Register of Civil Proceedings, 1837-1852, p. 601

WHEREAS, it has been represented to me that a murder was committed on the 2nd of September inst. in the County of Jackson, in the State of Missouri, by one John G. Fleming on the body of Isaac Moore; and WHEREAS, the said Fleming is now going at large to the great detriment of the peace, good order, and dignity of the State: NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby offer a reward of one hundred and fifty dollars for the apprehension of the said John G. Fleming and his delivery to the Sheriff of Jackson County aforesaid.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal
(SEAL) of the State of Missouri. Done at the City of Jefferson this 17th day of September A. D. 1851.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

ON THANKSGIVING

OCTOBER 15, 1851

From the Register of Civil Proceedings, 1837-1852, p. 603

WHEREAS, by a common understanding between the Governors of the various States of the Union, in order to produce uniformity, the last Thursday, (27th) in November next, has been proposed to be observed as a day of Thanksgiving and Prayer, by the people of the respective States, when the entire nation, under the call of their respective Executive authorities, may assemble in their several places

of worship, and with united hearts and voices, give thanks to Almighty God for the many blessings He has conferred on us as a Nation and People; and that with humble and contrite spirits, acknowledging our faults, we may invoke Him for a continuance of that Heavenly influence in our behalf, without which, our Independence would not have been achieved—the Union of these States preserved—nor the blessings arising from religious toleration enjoyed throughout the vast expanse of this mighty nation.

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do, by this my proclamation recommend to the good people of this State, that they do join and co-operate with the good people of all the other States of this Union, and without any distinction of denomination or creed, observe Thursday, the 27th day of November next, as a day of Prayer and Thanksgiving to Almighty God, for the favors he has conferred upon us and for a continuance of those happy influences which have brought around us all the blessings we enjoy.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri: Done at the City of (SEAL) Jefferson this fifteenth day of October A. D. 1851, of the Independence of the United States the seventy-sixth and of the State of Missouri the thirty-second.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

OFFERING A REWARD

JANUARY 19, 1852

From the Register of Civil Proceedings, 1837-1852, p. 414

WHEREAS, it has been represented to me that a murder was committed on the body of John L. Pettit, in the

county of Wayne, in the State of Missouri, on the first day of November A. D. 1851, by Richard Wormack and Preston Hackworth; and WHEREAS, the said Wormack was arrested and committed to the jail of the County aforesaid, but on the night of the 7th December effected his escape therefrom and is now, as is also the Hackworth, going at large, to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby offer a reward of Three Hundred dollars for the apprehension of the said Richard Wormack and Preston Hackworth and their delivery to the sheriff of the County of Wayne aforesaid; or the sum of one hundred and fifty dollars for the arrest and delivery as aforesaid of either of them.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri, at the City of Jefferson this 19th day of January A. D. 1852, of the independence of the United States the seventy-sixth and of the State of Missouri the thirty-second.

AUSTIN A. KING.

By the Governor
EPHRAIM B. EWING
Secretary of State.

CALLING A SPECIAL SESSION OF THE GENERAL
ASSEMBLY

AUGUST 4, 1852

From the Register of Civil Proceedings, 1852-1860, p. 13

WHEREAS, by the last clause of the 7th Section of the 4th Article of the Constitution of this State, the Governor is invested with authority upon extraordinary occasions to convene the General Assembly by Proclamation: and WHEREAS, there are matters that seem to me to call for

the consideration of the General Assembly at an earlier day than its next regular session;

NOW, THEREFORE, by virtue of the authority aforesaid, I, AUSTIN A. KING, Governor of the State of Missouri, do by this my proclamation convene the General Assembly, to meet at the City of Jefferson on Monday, the thirtieth day of the present month (August). And the members of the Senate and House of Representatives of the seventeenth General Assembly, are hereby required, then and there, to assemble, for the purpose herein set forth, to wit: The act passed by Congress entitled "an act granting the right of way to the State of Missouri, and a portion of the public lands to aid in the construction of certain railroads in said State," approved June 10, 1852, among other things provides that a copy of the location made under the direction of the Legislature shall be forwarded to the proper local land offices, respectively, and the General Land Office at Washington City, within ninety days after the completion of the same; and it is also further provided that the land grants as aforesaid to the State of Missouri shall be subject to the disposal of the Legislature thereof for the purpose, specified in said act. The object and intent of a convocation of the Legislature is, therefore, for the purpose of enacting such laws as may be deemed necessary, more effectually, and economically to improve and apply the grant of lands made by the act of Congress aforesaid, in aid of the construction of the Pacific Railroad, and the Hannibal and St. Joseph Railroad.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the City of
(SEAL) Jefferson, this 4th day of August A. D. Eighteen hundred and fifty-two, of the independence of the United States, the Seventy-seventh and of this State, the thirty-second.

By the Governor

AUSTIN A. KING.

EPHRAIM B. EWING

Secretary of State.

OFFERING A REWARD

AUGUST 20, 1852

From the Register of Civil Proceedings, 1852-1860, p. 18

WHEREAS, it has been represented to me that a murder was committed in the County of Jasper, in this State, on the body of Daniel Indicute on the 14th day of May 1852 by one James Laxson, and, WHEREAS it is further represented that the said Laxson, is now going at large to the great detriment of the peace, good order and dignity of the State. NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby offer a reward of one hundred and fifty dollars for the apprehension of the said James Laxson, and his delivery to the Sheriff of Jasper County.

In Testimony Whereof, I have hereunto set my
(SEAL) hand and caused to be affixed the great seal of the State of Missouri at the City of Jefferson this 20' day of August 1852.

AUSTIN A. KING.

By the Governor
EPHRAIM B. EWING
Secretary of State.

DIVIDING THE STATE INTO NEW ELECTORAL DISTRICTS

AUGUST 23, 1852

From the Register of Civil Proceedings, 1852-1860, p. 19

WHEREAS, by the second section of an act of the General Assembly of the State of Missouri, entitled "An act to provide for choosing electors of President and Vice-President of the United States", approved March 10, 1845, it is made the duty of the Governor, when any new apportionment shall be made of the members to be elected to the House of Representatives of the United States, whereby the number of electors to which the State may be entitled,

shall be increased or diminished, to lay off the State into as many districts as shall be equal to the number of electors to which the State shall then be entitled; and WHEREAS, official information has this day been received from the Secretary of the Interior, that by the last, or seventh apportionment, the State of Missouri, is entitled to seven Representatives; NOW THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do by this my proclamation, declare the State to be divided into nine electoral districts, for the purpose of electing nine electors, to elect a President and Vice-President of the United States, in the following manner, to wit:

First: The *first* district shall be composed of the Counties of St. Charles, Lincoln, Pike, Warren, Montgomery, Callaway, Ralls, and Audrain.

Second: The *second* district shall be composed of the Counties of Marion, Boone, Monroe, Clark, Lewis, Shelby, Randolph, Knox and Scotland.

Third: The *third* district, shall be composed of the Counties of Schuyler, Adair, Macon, Chariton, Linn, Sullivan, Putnam, Dodge, Livingston, Grundy, Mercer, Daviess, Harrison, Carroll, Caldwell, and Howard.

Fourth: The *fourth* district shall be composed of the Counties of Atchison, Andrew, Buchanan, Gentry, Ray, Clay, Nodaway, Clinton, DeKalb, Platte and Holt.

Fifth: The *fifth* district shall be composed of the County of St. Louis.

Sixth: The *sixth* district shall be composed of the Counties of New Madrid, Dunklin, Pemiscot, Butler, Stoddard, Mississippi, Scott, Cape Girardeau, Ripley, Bollinger, Wayne, Madison, Reynolds, Shannon, Dent, Oregon, Texas, Ozark, Perry, Ste. Genevieve and Saint Francois.

Seventh: The *seventh* district shall be composed of the Counties of Jefferson, Washington, Franklin, Crawford, Pulaski, Gasconade, Osage, Cole, Miller, Morgan, Moniteau, Camden, Laclede and Wright.

Eighth: The *eighth* district shall be composed of the Counties of Cooper, Benton, Pettis, Saline, Henry, Cass,

Jackson, Lafayette, Johnson, Hickory, St. Clair, Bates and Vernon.

Ninth: The *ninth* district shall be composed of the Counties of Dallas, Polk, Cedar, Jasper, Dade, Greene, Taney, Stone, Barry, Newton, Lawrence, and McDonald.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this 23d day of August A. D., 1852, of the Independence of the United States, the seventy-seventh, and of this State the Thirty-third.

AUSTIN A. KING.

By the Governor

EPHRAIM B. EWING

Secretary of State.

OFFERING A REWARD

SEPTEMBER 21, 1852

From the Register of Civil Proceedings, 1852-1860, p. 26

WHEREAS, it has been represented to me that a murder was committed on the third day of August 1852 in the County of Hickory in the State of Missouri, upon the body of John P. Dorris by one John Mullins; and WHEREAS, said Mullins is now going at large to the great detriment of the peace, good order and dignity of the State:

NOW, THEREFORE, I, AUSTIN A. KING, Governor of the State of Missouri, do hereby affix a reward of one hundred dollars for the apprehension of the said John Mullins, and his delivery to the Sheriff of Hickory County.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the City of Jefferson this 21st day of September A. D. 1852.

By the Governor

EPHRAIM B. EWING

Secretary of State.

AUSTIN A. KING.

MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

JANUARY 9, 1849

From the Register of Civil Proceedings, 1837-1852, p. 467

The Governor issued a writ of election directed to the sheriff of Bates county commanding him to cause an election to be held in the several precincts in the county of Bates on the 26th day of January 1849—giving ten days notice thereof, for the purpose of electing a representative from Bates county in the fifteenth general assembly of the State of Missouri, to supply the vacancy occasioned by the death of John McHenry.

JUNE 21, 1850

From the Register of Civil Proceedings, 1837-1852, p. 540

The Governor issued a writ to the Sheriff of Saint Charles County commanding him to cause an election to be held at the several election precincts in the Counties of St. Charles and Lincoln,—comprising the first Senatorial District—on the first Monday in August next (1850) (being the 5th day of said month) for the choice of a Senator to supply the vacancy occasioned by the death of Richard H. Woolfolk.—Thirty days notice being given.

JANUARY 11, 1851

From the Register of Civil Proceedings, 1837-1852, p. 571

The Governor issued a writ of election, directed to the Sheriff of Lincoln County, commanding an election to be held in said County on Monday, the 27th day of January inst. for the election of a member of the House of Representatives of the 16th General Assembly to supply the vacancy

caused by the death of Alexander Reid—giving ten days notice.—William Lundy was appointed special messenger to bear the writ to the Sheriff.

JUNE 9, 1852

From the Register of Civil Proceedings, 1852-1860, p. 9

The Governor issued a writ of election directed to the Sheriff of St. Louis County, commanding an election to be held on the 2nd day of August, 1852, at the several places of holding elections in said County, for a Senator, to supply the vacancy occasioned by the resignation of Charles S. Rannells late Senator from the 30th District—thirty days notice thereof being given according to law.

JUNE 9, 1852

From the Register of Civil Proceedings, 1852-1860, p. 9

The Governor issued a writ, directed to the Sheriff of Cole County, commanding an election to be held on the 2nd day of August, 1852, and on such other days as the polls of the general election shall be kept open, at the respective places of holding elections in the several Counties composing the 27th Senatorial District, for a Senator to supply the vacancy occasioned by the resignation of George W. Miller—thirty days notice of said election being given, according to law.

JULY 10, 1852

From the Register of Civil Proceedings, 1852-1860, p. 10

The Governor issued a writ of election, directed to the Sheriff of Lawrence County, directing an election to be held on the 2d day of August, 1852, and on such other days as the polls of the general election, to be then held, shall

be kept open, at the several places of holding elections in the Counties of Lawrence, Barry, Newton, Jasper and McDonald, composing the 21st Senatorial District, for a Senator from said District, to supply the vacancy caused by the death of L. Marow.

AUGUST 24, 1852

From the Register of Civil Proceedings, 1852-1860, p. 20

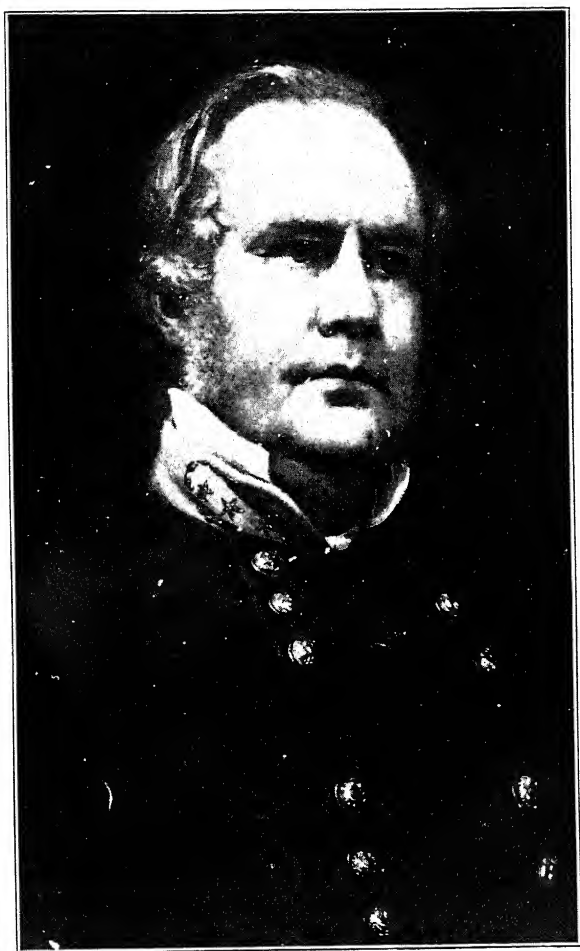
The Governor issued a writ of election, directed to the Sheriffs of the several counties composing the 12th judicial circuit, commanding an election to be held, at the several places of holding elections in said Counties, on Monday the 20th day of September 1852, for the election of a circuit judge, to fill the vacancy in said office, occasioned by the resignation of William B. Almond.

OCTOBER 6, 1852

From the Register of Civil Proceedings, 1852-1860, p. 28

The Governor issued a writ of election directed to the Sheriff of Chariton County, commanding an election to be held at the several places of holding elections in said County on the second day of November 1852, for a Representative to fill the vacancy occasioned by the death of Jacob McDonald late a member of the House of Representatives, of the 17th General Assembly, from the County of Chariton aforesaid, and requiring — days notice thereof to be given, according to law.

GOVERNOR STERLING PRICE



STERLING PRICE
Governor 1853-1857

STERLING PRICE

BY

ROLLIN J. BRITTON

To be born in "The Old Dominion" gave one prestige in the early days, and September 11, 1809, the day on which Sterling Price was born, was early in our country's story. James Madison was serving as fourth President of the United States. The country beyond the Mississippi had been purchased but six years before. Missouri was not even a territory.

Prince Edward county was rural and interior, but it was a part of Old Virginia and therefore lends its charm to the story of that handsome country dignitary, known in the annals of Missouri statesmanship as Governor Sterling Price; in the records of the Confederacy as Major-General Price; yet withal in the hearts of his soldiery as "Old Pap Price."

A little college came into existence in the county of his birth at Hampden Sidney in 1776, which boasted of Patrick Henry and James Madison as trustees, and this school gave Sterling Price his academic education, which was supplemented by a course in law under Creed Taylor.

He traveled with his father's family to Fayette, Howard county, Missouri, in 1831, where he entered the tobacco commission business, and married Miss Martha Head on May 14, 1833. He next ran a hotel at Salisbury in Chariton county for a short time, and then became a merchant at Keytesville, in the same county. In a few years he sold his business and bought a farm on Bowling Green prairie, eight miles from Keytesville, which farm became home to him through the rest of his adventurous life.

In 1836, Chariton County sent him to the Missouri General Assembly. He was re-elected in 1840 and made speaker of the house and was again elected and again chosen as speaker in 1842.

Sterling Price was a Democrat and as such was elected to Congress in 1844, but with the admission of Texas came the certainty of war with Mexico, and he resigned from Congress, was commissioned a Colonel by President Polk, and returned to Missouri to raise the Second Missouri Regiment of Mounted Infantry to follow General Kearney's command adown that most wonderful and mysterious of all romantic highways, the one that commenced somewhere in Missouri and ended somewhere beyond Santa Fe. Twelve hundred men quickly rallied to his standard from out central Missouri, to which was added a number of pieces of artillery with artillerymen from the regular service, and the Second Regiment was soon organized. The first Regiment had been allowed to elect its own Colonel and the Second insisted that it too was entitled to the same privilege, and much to the gratification of Sterling Price the men of his command elected him, already commissioned, to be their Colonel.

With its train of baggage and provision wagons, the Second Regiment moved out from Fort Leavenworth about the middle of August 1846. Fifty-three days were required to get the entire body into Santa Fe. Three men died on the way—one by accident, two by disease. A thousand horses stampeded, but the most were recovered.

Colonel Price with his staff reached Santa Fe September 28th, 1846. His army kept coming until October 12.

General Kearney had already started to California with four hundred dragoons. John C. Fremont had taken possession of California at Monterey and Kit Carson had reached Kearney with the news.

Colonel Doniphan was then in command at Santa Fe, which town was probably larger just then than it has ever been since—trappers, mountaineers, stragglers and Pueblo Indians had gathered there, and with its Mexican inhabitants and 3500 soldiers, the town probably contained 14,000 souls. Colonel Doniphan at the head of his first Missouri Volunteers rode away toward old Mexico about the close of the year 1846, leaving Colonel Price in command at Santa Fe.

Very little resistance had been offered to American arms. Colonel Price was not a trained soldier. He had sent out detachments of his troops to find grazing lands for the horses, discipline was lax—all of which encouraged Manuel Cortez aided by Tomasito, a Taos Indian, to organize an insurrection. Every Mexican town in the vicinity joined it, as well as the Navajos, Apaches, Comanches, and Arapahos.

Colonel Price woke up to all of this when he learned that William Bent, a Missourian, who had been appointed Governor, together with five of the principal officers of the territorial government had been assassinated at Taos in January, 1847.

News also reached Colonel Price that Laurence L. Waldo, at Westport, head of a trading company, had been murdered at Moro.

The insurgents, 2000 strong, intrenched themselves in the hills of LaCanda on the Taos road, twenty miles west of Santa Fe. Here Colonel Price, at the head of less than five hundred Missourians, found them on the evening of January 24, 1847. Captains Augney and St. Vrain immediately led the Missourians in a charge against the Mexican works, killing thirty-six of them, capturing forty-five others, and routing the balance, who fled after their valiant generals, Ortiz, Lafaya, Chevez and Montoya.

Four days later the same Mexican forces tried to ambuscade Colonel Price's force at El Embudo, but were routed again and never stopped running till Pueblo de Taos, some fifty miles away, was entered, where the Mexican army took shelter in a large adobe church. Here on February 3, 1847, the Missourians charged them, cutting through the adobe walls and dispersing the so-called army. It was a notable victory. The Missourians were heroes, every one, but one must conclude that if a Mexican soldier ever won glory on the battlefields, it must have been when fighting some other Mexican. This insurrection cost the Americans forty-seven men and the Mexicans two hundred and eighty-five.

After order was restored, Colonel Price made a trip to

Missouri where President Polk commissioned him a Brigadier General, and then returned to Santa Fe. Later in the summer he led his troops to Chihuahua, which city he occupied and became military governor of the province, and from which place he marched his men to Santa Cruz de Rosalia, where he fought the last battle of the Mexican war, losing forty-five of his own men and killing and wounding three hundred of the enemy. The war over, General Price and his little army returned to their homes as heroes. General Price was very popular. He became the anti-Benton candidate for Governor in 1852 against James W. Winston, lawyer, grandson of Patrick Henry, and won. Governor Price found the governor's salary of \$2,000.00 inadequate and encouraged the General Assembly to increase the salary to \$2500.00, which was done for the benefit of succeeding governors. Governor Price could have received the increased salary for the last two years of his four year term, but refused to accept any part of it. As governor he vetoed the bill to increase the State debt in aid of railroads but the measure was passed over his veto. After the close of his term as governor, Sterling Price served the state from 1857 till 1861 as bank commissioner. In 1860, Civil War was in the air. Sterling Price was a Douglas Democrat and for the Union.

In 1861 Claiborne F. Jackson was elected Governor of Missouri as a Douglas Democrat, but became an ardent secessionist. The General Assembly elected was also favorable to secession. George G. Vest of that body introduced a measure that became a law, calling for the election of delegates to a State convention to assemble at Jefferson City on February 28, 1861, to consider the existing relations between the government of the several states, etc., ostensibly to take Missouri out of the Union.

The election of delegates followed but when the 99 delegates assembled at Jefferson City on the fixed date, it was discovered that not a single avowed Secessionist, nor a single Republican had been chosen,—Sterling Price was one of the chosen delegates.

The Convention convened and upon the motion of James O. Broadhead, organized by electing Sterling Price its President. In this election Price, Democrat, received 75 votes as against 15 votes cast for Nathaniel W. Watkins, Whig, half-brother of Henry Clay.

With the organization completed the convention adjourned to meet in St. Louis, where it re-assembled and commenced business on March 4, 1861, the day Lincoln was inaugurated. The convention on March 21, 1861, decided that Missouri should remain in the Union, but its presiding officer had become a conditional Union man by this time.

The General Assembly passed a bill providing for the organization of a Home Guard, authorizing the Governor to appoint eight Brigadier Generals and a Major General. The Governor appointed Sterling Price to be Major General on May 18th. Camp Jackson had been taken possession of by Union forces on May 10th. The eight Brigadiers were appointed by Governor Jackson on May 21st. Already more than a thousand men were awaiting General Price at Jefferson City to become Home Guards, to keep war out of Missouri. They were organized as the First Regiment of Rifles, with John S. Marmaduke as Colonel. General Harney in charge of the military district for the United States was removed and General Nathaniel Lyon became the active head of the Union forces in Missouri, and resenting the efforts of Governor Jackson and General Price to keep the United States from enlisting soldiers in Missouri and from bringing troops into the State, he proceeded to the task of making the United States dominant in every part of the State.

Governor Jackson, on June 12th, issued a call for 50,000 men to enlist as Home Guards. A Union force under General Lyon took possession of Boonville after a skirmish with the Regiment under Colonel Marmaduke on June 13th, and then on June 15, 1861, occupied Jefferson City, to find that the General Assembly had adjourned and that the Governor had fled.

General Price retreated with his force toward the southwestern corner of the State.

At Lexington, on June 18th, he added several thousand volunteers to his army. Here he turned over the immediate command to General Rains with orders to move it as expeditiously as possible toward Lamar. General Price with his staff and a small mounted escort made his way in haste to Arkansas to get General Ben McCulloch and his Confederate army to come to the rescue of the Governor of Missouri, and of the command under Rains. A battle occurred at Carthage in which the Union forces lost thirteen killed, and thirty-one wounded, and the State troops lost ten killed and sixty-four wounded. General Price found General McCulloch at Maysville, Arkansas, and persuaded him to enter Missouri. On August 5, 1861, Governor Jackson issued his Declaration of Independence, wherein he solemnly declared that "the political connection between the United States and the people and government of Missouri is and ought to be totally dissolved, and that the State of Missouri is a sovereign free and independent Republic, has full power to levy war," etc.

The combined forces of Generals McCulloch and Price under chief command of General McCulloch, numbering something over ten thousand men, were at Wilson's Creek, near Springfield, Missouri, when Governor Lyon threw his army of 5,221 men against them on August 9th. General Price distinguished himself that day, and defeat came to the Union forces. The losses were not very great as battles go. The confederate loss being 279 killed, and 951 wounded, while the Union losses were 228 killed and 782 wounded, but General Lyon died that day, and his loss was a serious one to the Union cause. He loved his country, so much that he bequeathed his fortune to it to be expended toward the preservation of the Union. The Union forces escaped from Wilson's Creek with its baggage and supplies.

General McCulloch would go on further into Missouri. So General Price rushed his now heartened army northward to Lexington where he surrounded Colonel Mulligan's force, and compelled the surrender of 3,000 Union troops, including five Colonels, a Major and 118 other commissioned of-

ficers. The spoils included 1,000 head of horses and mules, 100 wagons, a great quantity of supplies, 5 pieces of artillery, 2 mortars, and 3,000 stands of arms. It was then that General Price became "Old Pap." Thousands of Missourians joined his army that they believed to be invincible, but no more victories were to come to General Price. Driven out of Missouri his force united with the force that, under General Van Dorn, fought and lost to the Union force under General Curtis at Pea Ridge in Arkansas on March 6 to 8, 1862. After Pea Ridge, the Missouri troops under Price discarded the State flag of Missouri and hoisted the Stars and Bars of the Confederacy. General Price went to Richmond, Virginia, and was made a Major General in the Confederate service, though he was never approved of by President Jefferson Davis. General Price participated in the battles at Corinth and Helena, and in October, 1864, with permission of President Davis of the Confederacy, started from Pochontas, Arkansas, on his last raid into Missouri, which proved disastrous. The battle of Westport proved the turning point, where after a stiff fight in which 89 Federals were killed and 317 wounded, General Price found it necessary to flee from General Pleasanton and to again retreat south. His army was greatly depleted but a portion of it did escape from the State. Peace came, and General Price went to Cordova, Mexico, where he obtained a grant of land from Emperor Maximillian and commenced the colonization of ex-confederate soldiers upon it, but the Maximillian government fell, and with it the land grant to Price who then returned to Missouri, taking up his residence in St. Louis in 1867, where on September 29, 1867, he died of the cholera—one of the most beloved of Missourians. The State in 1911 erected a bronze statue to his memory at Keytesville, Missouri, at a cost of \$5,000.00.

INAUGURAL ADDRESS

JANUARY 3, 1853

From the Journal of the Senate, p. 151

Fellow-citizens of the Senate and of the House of Representatives:

In entering upon the duties of the exalted station to which I have been so flatteringly called by the people of our beloved State, I trust I may be allowed to say, that I fully realise the extent, magnitude, and importance of those duties, and that I feel in all its force the embarrassment, growing out of a consciousness of my own inadequate qualifications to discharge those duties in the manner most consonant with my feelings and wishes, and at the same time most conducive to the welfare of the people and the State. But I am sincerely grateful to the giver of all good, that I am enabled to carry with me into that high office, a sincere, heartfelt, and earnest desire, to render equal and exact justice to all with whom I may have official communication; to see that the laws are faithfully executed, the government of the State firmly and impartially administered; to watch with sleepless vigilance over the manifold interests and trusts confided to my care and custody; to labor incessantly and with all the zeal and energy of which I am capable for the sure, and steady advancement of our growing State in the career of prosperity that lies open before it. And I am happy and proud to feel, that my fellow-citizens who have so long and so constantly honored me with their indulgence, and who have sustained me with their friendship and confidence, will continue to look upon my errors and faults with that charity which has heretofore characterised them, and in view of the truth that perfection is not vouchsafed even to the wisest and best of our race.

With these introductory remarks, in which I trust you concur with me, as being due both to myself and this oc-

casion, I will proceed in accordance with established cus'om, and with long and invariable usage, to give you a brief outline of the principles and policy by which it is my wish and purpose to be guided, during the whole of my official tenure. And in doing this, I have little else to say, than that the Convention by which I was nominated, laid down with great distinctness the platform upon which its nominees were expected to plant themselves, and by which they were expected to stand or fall before the people. In accepting the nomination and conducting the canvass to a successful termination upon the principles constituting that platform, I feel warranted in saying, that it would be absurd in any one now to pretend that the great majority of the people, had not stamped upon it the seal of their approbation. Impelled alike then, by the sense of duty and by inclination, I shall maintain my position upon it, and carry out its principles in good faith. It would be out of place, perhaps, to enter on this occasion, into a lengthened dissertation upon the subject of democratic principles. The people of Missouri have manifested their attachment to them, and their abiding confidence in their soundness and wisdom by giving them a uniform and unwavering support for more than a quarter of a century, and it would be worse then absurd to pretend, that their attachment to them, has in any manner abated. So long therefore as the political contests of the State and of the Union, are conducted as they have been, it must be known to all, that the successful party will use their power to carry out those principles which entered so largely into the contest. So far however, as I am concerned the rights and feelings of minorities for the time being, shall ever receive at my hands, all proper and becoming respect.

I cannot forego this occasion to say, that I am rejoiced to know, that the series of measures known as the compromise, hold the important and prominent position which they do, among the principles of the State and national platforms of the democratic party. Of this series the fugitive slave-law commands and receives their respect in a preeminent degree. They commend themselves to me by their wisdom

and patriotism, by their obvious and certain tendency if faithfully adhered to, to preserve unimpaired the rights and sovereignty of the State, and thereby to become the surest and best safeguard of the union of the States.

The approval of these measures by the people has been made manifest to us from every quarter of our country, and in a way well calculated to teach disorganizers, factionists and fanatics of every grade and character, that there is an abiding love of our country and her institutions pervading the great body of our people, upon which we may rely with every assurance, that although our sectional conflicts and struggles may be frequent and violent, as they have already been, yet we will steer through them uninjured, and rejoice in the glorious and gratifying truth that the constitution and laws are still supreme, and our Union indissoluble. Long may that truth be present with us to solace the hearts of the aged, and nerve those of the young, to renewed, more earnest and energetic efforts for the preservation of our glorious Union and its countless blessings.

The subject of railroad communications throughout the State, will evidently engross much of the thoughts and attention of our people for some time to come. No one can feel more anxiety than I do for the proper developement of the resources of the State, and I will be found always ready and willing to co-operate most cordially with you, in perfecting such projects as may be of undoubted public benefit. But it will be highly necessary to use great caution and discretion in keeping within proper bounds in the organization of a railroad system. We are admonished by the experience of other States that a projection of public works, indiscriminate and reckless in its character, will surely entail widespread pecuniary embarrassment, and give rise to a revulsion in the public mind, manifesting itself at first, in a distrust of, and finally into an open and violent opposition to all schemes of internal improvement whatsoever. I trust that this spirit of public enterprise so prevalent among us, may be wisely directed, and that our action in this behalf may

be guided by good counsels, and accomplish great and general public benefit.

On this as well as on all other subjects of legislation for the welfare of the State and the people, my anxieties will be very naturally awakened.

Finally fellow-citizens, permit me to indulge the hope that our official intercourse may at all times be kind, friendly and agreeable; that candor, good feeling, and harmony may be ever present with you in your deliberations; that He in whose hands is the destiny of nations may so guide, direct, and sustain us, that all our trusts may be faithfully kept, and all of our duties well and promptly discharged, so that we may be rewarded by the continued friendship and confidence of those whose chosen agents we are, and by the approbation of our own consciences always the surest and most abiding consolation to the wise and good.

STERLING PRICE.

FIRST BIENNIAL MESSAGE

DECEMBER 25, 1854

*From the Journal of the Senate, pp. 14-26**Gentlemen of the Senate and of the House of Representatives:*

We have abundant reason to be greatful to Divine Providence, for the manifold blessings, showered upon us as a community, since the close of your last session. General prosperity has pervaded the State, and we have advanced rapidly in population and productive industry. Although, during the past season, an unprecedented drought has cut off large portions of our agricultural products, we have been more than compensated, by our general exemption from contagious and epidemic diseases.

From a statement furnished me by the Auditor of Public Accounts, I am gratified to be enabled to assure you, that the finances of our State are in a prosperous condition. A detailed statement of the condition of the Treasury for the two last fiscal years and its probable condition for the next two years, will be furnished you in the Auditor's report.

The amount of revenue received into the treasury in 1853, is.....	\$378,792.60
Amount received in 1854, is.....	429,872.34

The total amount received for the two years ending 1st October, 1854, is.....	\$808,665.00
The amount expended in 1853, is.....	\$380,531.42
The amount expended in 1854, is.....	247,952.32

The total amount expended for the two years ending 1st October, 1854, is....	\$628,483.74
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The estimated receipts of revenue from all sources, for the two fiscal years beginning on the 1st October, 1854, and ending on the 1st October, 1856, are \$1,031,000.00. Deduct

estimate of ordinary expenses for same period, \$500,000; deduct also one-fourth of one per cent. set apart for school purposes, \$257,750.00; and also deduct such extraordinary appropriations as may be made by the present General Assembly, which will, perhaps, not exceed \$75,000.00, and there will then be left, remaining in the Treasury, of surplus revenue, on the first of October 1856, \$198,250; to which amount add unappropriated revenue remaining in the Treasury on the 1st October, 1854, \$234,889.59, and it will leave a surplus revenue remaining in the State Treasury, on the 1st October 1856, of \$433,139.59.

It is believed that the estimate of the expenditures for the years 1855 and 1856, will exceed the true amount, rather than fall short of it, as a liberal allowance has been made for the increased expenditure, consequent upon the present revision session of the General Assembly.

The expenditures of 1853 and 1854 include the following special appropriations, which have been nearly or quite exhausted:

An act for the support of the Lunatic Asylum..	\$ 37,300 00
An act for the enlargement of the Lunatic Asylum.....	30,000 00
An act for the Management of the Penitentiary..	25,000 00
An act for the Deaf and Dumb Asylum.....	36,400 00
An act for the Blind Asylum at St. Louis.....	20,000 00
An act for the Geological survey of the State...	20,000 00
An act of 1851, for reclamation of Swamp Lands.	28,500 00

The total expenditure for above specified purposes.....\$197,200 00

The revenues collected under the present system of taxation are more than sufficient to meet the current expenses of the government, and they are likely to be enhanced by the increase of our population, the sales of the public lands, the improvement of our roads, and the enlargement of our commercial facilities.

The late act of Congress, graduating the prices of public lands, according to the periods they have been proclaimed

for sale, has already occasioned the sale of a large quantity of the public lands, which will henceforth be yielding revenue to the State. Yet, after deliberate reflection, I cannot recommend a reduction of taxes. The State has outstanding debts, bearing interest, and redeemable at the pleasure of the State; and our Railroads will require additional aid; it, therefore, seems more judicious to me to apply the surplus revenue to the liquidation of those debts, than to multiply them.

There are, however, defects in the method of assessing and collecting the revenues, which should be amended. The compensation of assessors does not depend upon the quantity or value of the lands assessed, but upon the number of tax payers, and their chief guide, in the performance of their duties, is the tax book of the previous year. The change of ownership occasions the assessment of the same property twice or thrice for the same year. The collector is charged with the whole amount of taxes assessed, from which it often happens, after the real owner has paid the taxes, that the lands are sold in the name of a former one. In addition to these evils, productive of so much needless expense and annoyance to the people, real estate is frequently assessed, not according to its actual value, but according to the caprice or interest of the owner. In some instances, whole counties are assessed at a very low rate, and in others at a very high one. The defect in the method of assessing, might be partially rectified by providing, that it shall be the duty of the Clerks of the County Courts, to keep a book, in which all the lands shall be numerically listed as they were patented, beginning with the lowest number of township, range, and section, and progressing to the highest. Spanish grants and New Madrid locations could be listed in a similar manner. Town lots could be listed as they are numbered. A copy of this book, furnished the assessor, would enable him to avoid the assessment of the same property more than once, and to assure himself that all the lands have been assessed. I do not think any specific recommendation necessary on my part, relative to the method of valuation. Any

one of several remedies would be effectual, and I submit the subject to your consideration.

In conformity to the act, approved at the last session of the General Assembly, "to provide means to pay the State bonds, falling due in the year 1853," I appointed Wayman Crow, of St. Louis, as the agent of the State, to dispose of said bonds. The amount which became due during the year, \$255,000. I caused \$55,000 of this amount to be paid out of the public Treasury, as I was authorized to do by the act. For the remaining \$200,000 I issued bonds, each of \$1000 in amount, and placed them in the hands of Mr. Crow. He proceeded to New York, and there disposed of them, at a premium of four per cent. and three quarters, amounting to \$6,775.63. The interest which had accumulated on the bonds from their date to the date of the sale, was \$1,900, making an aggregate of \$8,675.63. The principal, premium, and interest, were deposited by him in the Bank of Commerce at New York, to the credit of A. W. Morrison, Treasurer of the State, and there remained five months and four days at interest, accumulating an additional sum of \$3,572.32. At the end of that period the Bank of the State of Missouri agreed to pay to the Treasury, one-fourth of one per cent. for the privilege of transferring these moneys from the Bank of Commerce to her own vaults, and she fulfilled the agreement. The per centage paid by the Bank amounted to \$531.12. The general aggregate of all these amounts now deposited in the Bank to the credit of the Treasurer, after deducting the expenses incurred in the sale, is \$212,779.57. I deem it a duty, as well as a pleasure, to express my cordial appreciation of the skill, judgment, and prudence displayed by Mr. Crow, in this important business. His success was more than commensurate with my hopes or expectations.

The charter of the Bank of Missouri, will expire on the 2d day of February, 1857. The grave and delicate question is presented to you, by this state of fact, what legislation is necessary to secure stability in the value of property, facilitate the operations of commerce, and shield the State from

an influx of depreciated or worthless Bank issues from our sister States? Shall the charter be permitted to expire, and the Bank be compelled to wind up its affairs, without any legislation to meet the consequences? Or shall a system of Free Banking be adopted, similar to those now prevailing in some of the north-western States? Or shall the present institution be rechartered, with such modifications as experience has indicated to be necessary? These are questions to which I have given the most anxious attention, and upon which I solicit your earnest deliberation. They are practical and not abstract questions; circumstances preclude us from treating them as we might, if our State was in its infancy, and our relations to the communities around us, gave us the option of deciding what currency we would have, and what not. They should be decided in time for the officers of the Bank to make preparation for the future, and arrest, if possible, a convulsion in our monetary affairs.

If the charter of the Bank is permitted to expire without further Legislation, the consequences must be injurious in the extreme. The value of all our property will be depreciated, there will follow a series of fluctuations in prices, opening the door to fraudulent speculations; the relations of debtor and creditor will be so disturbed, that the latter will be compelled to seek relief in the courts of justice, and the property of the former will be ruthlessly sacrificed, and whole families suddenly exposed to poverty and want. Our State will be immediately flooded with the depreciated issues from the banks of neighboring States, and our commercial classes will be overwhelmed in difficulties. This picture of what may be anticipated, is not overcharged. Similar results have followed in other States, from causes much less powerful to produce them. Nor can such a condition of things be materially alleviated, by penal Legislation to exclude foreign bank paper. If effectual, it could not relieve us from one tithe of the evils which I have enumerated. Our own experience, as well as that of every community in which it has been tried, proves that all such legislation is a practical nullity.

Before any system of free banking can be adopted, it will be indispensable to amend the Constitution. That instrument empowers you to create one Bank with five branches. It empowers you to do nothing more. Its meaning is, in my judgment, too palpable to be misapprehended; and I cannot appreciate the reasoning, by which it is attempted to be shown, that, although the General Assembly cannot establish more than one Bank, it may authorize every member of the community to do so. Before the Constitution can be altered, all the difficulties and calamities, which it is so desirable to avert, will have come upon us. Nor do I think that such an amendment would be either wise or prudent. Coin is our measure of values, and medium of exchange. It is as important, and perhaps more so, that this measure shall be kept uniform, as that there shall be a uniform system of weights and measures. The introduction of paper money, originated in the necessities of commerce; and it should be limited and regulated by those necessities. There should never be so much of it, as to endanger the metallic basis on which it is issued; and it should never have any other basis than the constitutional coin of the nation. Under the system of free banking, as now practiced, real estate and stocks are the securities for the redemption of issues. These are constantly fluctuating in value, producing, inevitably, a like continual fluctuation in the value of the issues made upon them; and it not unfrequently happens, that the stocks become altogether worthless, by the fraud or mismanagement of those who have control over them. The values of coin are affected only by the laws of trade; and paper issues based upon it, if kept within proper proportion, may be held as steady in value, and be like it, a fair measure of the value of all the products of industry.

Our State has rapidly progressed in agricultural, commerce and manufactures, since the organization of the Bank. Many new branches of industry have been introduced by the enterprise of our citizens; new sources of wealth have been discovered, and our farmers have multiplied four fold, the products of agriculture. We have a

city which is the emporium of the northern valley of the Mississippi, and which has already established direct commercial relations with the whole civilized world. If we needed banking facilities, when the present Institution was chartered, we need them much more now. They are, in my opinion, indispensable to our prosperity and progress. I therefore, respectfully recommend, that the charter of the Bank shall be extended for such a period, as in the judgment of the General Assembly, will be prudent, and that its capital stock be increased to the sum of five millions of dollars.

I am entirely satisfied, that nothing short of an increase of capital, to the full amount authorized by the Constitution, will satisfy the wants, or provide for the necessities of the community. I also recommend, that such an amendment of the Constitution be submitted to the people for their sanction, as will empower the General Assembly to take any amount of stock it pleases, or none at all, if it be deemed expedient. Observation and experience have convinced me, that such an amendment should be made, and that we may safely entrust this much to the legislative discretion.

I am not prepared to express an opinion as to the policy of so amending the Constitution, as to authorize a multiplication of the branches of the Bank. I submit the suggestion, however, to the wisdom of the General Assembly.

As I anticipated, in a special message to the last General Assembly, the time has arrived, when it is absolutely necessary to extend additional aid in the construction of the railroads, now in progress, or abandon them altogether. They cannot, in my opinion, be abandoned without great injury to the State, the people, and all our substantial interests. Anxious as I feel, however, to promote these works, I cannot recommend such legislation as will diminish the securities already held by the State, or involve the Treasury in further expenditures, without ample guarantees. Nothing is more fatal to works of internal improvement, than the encouragement of a belief, that the follies, impru-

dences, or misfortunes of those who manage them, will be rectified by legislative clemency. On the other hand nothing is more conducive to their advancement than such liberal encouragement as can be given, without involving the State in pecuniary difficulties and losses. There are numerous methods by which the construction of our roads may be aided, with safety to the Treasury. I will not presume to know better than the General Assembly, which of them should be adopted, but earnestly commend the whole subject to your consideration. Experience has shown, that, in this respect, we have already undertaken as much as we can accomplish, and that, therefore, we should await the completion of the roads now projected, before entering upon new schemes.

The Geological survey of the State, provided for by an act passed at the last session of the General Assembly, is in progress. In conformity to the act, I appointed Professor George C. Swallow, to complete this important work. The report which he will submit to you, will give full information in regard to it. The sum of \$20,000 was appropriated at the last session, to carry it on. This sum is not adequate to its completion, and additional aid will be required, before another General Assembly is convened. I respectfully recommend that an additional sum of \$20,000 be appropriated to complete the survey. Such a survey should be well executed or not at all. If well executed, it will greatly multiply our resources. If badly executed, it will mislead and ruin every capitalist that is enterprising enough to make an effort to develop our rich mineral resources. I feel no apprehensions, if sufficient means are provided to complete a thorough survey. The experience of a number of our sister States, with natural resources far inferior to ours, authorizes the confidence I have expressed. The gentleman to whom the duty has been entrusted, has proved himself worthy of the confidence reposed in his integrity, energy and scientific attainments.

The management of the Penitentiary under the present system, has, in my opinion, been eminently satisfactory.

Order, cleanliness and humanity, have succeeded to anarchy, filth and cruelty. The best discipline prevails. The main block of cells was destroyed by fire early in the past summer. It has been rebuilt by the labor of the convicts alone. They have also erected a spacious warehouse, convenient to the prison, and on the river. The only charge to the State, for these valuable buildings, has been the cost of lumber and iron. I cannot too strongly recommend the continuance of the present system of management.

The State University is in a properous condition, under its present organization. This Institution is one of paramount importance in our educational system. Those of our youth, who desire to procure the higher branches of classical and scientific study, can now find an Institution at home, capable of imparting such knowledge, and are not compelled to complete their education in eastern Universities where they may imbibe sentiments adverse to the institutions and interests of their native State. I recommend to you such judicious legislation as will conduce to the permanent prosperity of the University.

The Deaf and Dumb Asylum, and the Lunatic Asylum, located at Fulton, in Callaway county, have, so far as I have been enabled to learn, been judiciously and humanely conducted. The State has exhibited a commendable spirit of liberality in providing for the comfort and treatment of these unfortunate classes of our fellow-beings. The General Assembly in 1849, appropriated, from the State Treasury, for the benefit of the Lunatic Asylum, the sum of \$15,000, also the surplus revenue deposited with Missouri, \$23,000; in 1851 the sum of \$25,000; in 1853, for the support of the Asylum \$37,300, and for the enlargement of the Asylum \$30,000; making an aggregate of \$130,300. This sum does not include a large amount which has been paid for the benefit of the State Lunatic Asylum, and which was raised by private subscription; nor does it include the salaries of the officers of the Institution, since it has been in operation. The salaries of all the officers now amount to \$2,650 per annum. The General Assembly appropriated in 1853,

for the Deaf and Dumb Asylum, the sum of \$36,400; in addition to this sum there has been expended during the last two fiscal years the further sum of \$7,702.89, under standing act providing for the "Education of the Deaf and Dumb." I am not prepared to make any recommendations; but submit the subject to the wisdom of the General Assembly.

The Institution for the education of the Blind, located at St. Louis, has been also eminently successful. These unfortunate persons are taught the more useful branches of education, and to execute work requiring mechanical skill. Several prizes for their ingenuity in mechanism, were awarded to them at the late State fair. Institutions like these, reflect honor upon the State; and I respectfully recommend to you such fostering legislation as may be necessary, and commend to your favorable consideration the accompanying report of the Trustees of this Institution.

The act relative to schools, authorized the Executive to appoint a General Superintendent. In pursuance of it, I appointed John W. Henry, Esq., by whom the important duties entrusted to him, have been diligently and faithfully performed. As the law now stands, one-fourth of the general revenues of the State, is set apart for the support of schools. I respectfully recommend that, instead of setting apart a portion of the revenue, the law be so amended, as to collect a like amount for the benefit of schools by a special tax. I do not think it advisable to reduce or enlarge the taxes; but that the portion now set apart, be collected, as a school tax. This amendment would be more satisfactory to the people, and tend to enhance their solicitude in the cause of education.

There is another defect in the operation of the law, which, it seems to me, should be remedied. The whole fund is now distributed among about one-third of the counties of the State, leaving the other two-thirds, without any encouragement to promote education. I call your attention to this practical injustice, and trust you will apply an appropriate corrective.

The agents of the State appointed to select, in the several counties, the swamp lands granted by the act of Congress of the 28th of September, 1850, reported to the Surveyor General 3,140,856 acres. Upon a comparison with the field notes and reports of special agents deputed by him, that officer struck out 387,885 acres of these selections, and reported the remaining 2,765,971 acres to the Commissioner of the General Land Office, as, in his judgment, swamp lands within the purview of the act. At a subsequent period, he was authorized to receive additional lists, and to disregard the field notes, if the State authorities produced sufficient evidence. Under these instructions he reported as swamp land, an additional quantity of 468,969 acres. With the exception of a few instances of conflict with private entries, I am assured that the lands thus reported, will be patented to the State. The President and Directors of the Hannibal and St. Joseph Railroad Company, not having been able to obtain the full quantity of vacant land granted in aid of the work, within the bounds prescribed by Congress, instituted a proceeding before the Surveyor General, to contest the right of the State to a large amount of land reported as swamp land. This proceeding has resulted in the reclamation of 20,683 acres on the part of the road. So soon as the patents are issued—and I trust that the Commissioner will avoid delay—the title under our legislation will be perfected to the counties in which these lands lie.

The law requires the Executive to invest the moneys arising from the sale of Saline lands, in such stocks as in his opinion are safe and productive. Not being able to find a proper investment, and the session of the General Assembly being at hand, I have deemed it more prudent to permit the moneys to remain in the Treasury, and call your attention to the fact, that you may take such further measures for their disposal, as may, in your judgment, be appropriate.

At the last session of the General Assembly, the sum of \$1,000 per annum for five years was appropriated in aid

of a State Agricultural Fair. This appropriation has had an excellent effect in causing the introduction of superior stock, and exciting our citizens to emulation in the productive business of stock raising. I recommend a continuance of this encouragement.

Nothing can be more fallacious, than the idea which designing men attempt to propagate, whenever a proposition is made to increase the salaries of public officers, that such a measure is an aristocratic one. The very reverse of this idea is correct. If public officers are not adequately compensated for their services, the rich only can afford to enter the public service. The poor, whose sympathies are more likely to be with the masses of the people, and who, from their associations, are more apt to be cognizant of their wants and interests, are excluded by their necessities. I am no advocate of extravagant salaries. They would result in the same evils produced by extreme parsimony. There is a just medium, which may be, and should be observed. They should be high enough to afford a fair compensation for the services exacted, and operate as an inducement to those who are best qualified to fill public stations, irrespective of individual fortune. My own experience has taught me, that the salary of the Executive bears no proportion to the duties and responsibilities resting upon him; and observation has convinced me, that nearly all of our public officers, are inadequately compensated. This is especially true in reference to the judicial department. I cannot, under the constitution, receive any benefit by a change of the law; but a sense of duty impels me to recommend that the salary of the Governor shall be increased to at least the sum of \$3,000 per annum; and that the salaries of other officers shall be increased to a fair living compensation for the services performed.

After mature deliberation and consultation with those most likely to be well informed upon the subject, I have concluded to recommend to you the consolidation of the Supreme Court at Jefferson City. The present organization of the duties of that important tribunal tends, in my opinion,

to the increase of useless and unjust legislation, the consumption of much valuable time, and the introduction of confusion into its records and proceedings. The State has purchased a good library for its use, and if it be not as extensive as is desirable, it will be better economy to enlarge it, than to continue the present system. Many other reasons might be given for this recommendation; but they will readily suggest themselves upon reflection, and I need not comment at large upon them.

The act providing for the election, and prescribing the duties of the Public Printer, requires that he shall be elected by the General Assembly every two years. The General Assembly having failed to make an election at its last session, and the two years for which the Public Printer was elected having expired, I felt it my duty, under the ninth section of the fourth article of the Constitution, which provides, that, "when any office shall become vacant, the Governor shall appoint a person to fill such vacancy, who shall continue in office, until a successor be duly appointed and qualified according to law," to appoint an individual to fill the vacancy, I accordingly appointed John G. Treadway, Public Printer. Thereupon the question, as to who was rightfully the Public Printer, was submitted to the Supreme Court. That Tribunal—(Justice Scott dissenting, in an opinion marked by profound learning and accurate reasoning.)—decided that no such vacancy, as the Constitution contemplated, existed; and that the former incumbent was entitled to hold over, until it should be the pleasure of the General Assembly to appoint a successor. I trust I am not wanting in a proper regard for a coordinate department of the Government, but self-respect impels me to say, that I have found nothing in the opinion of the Court, which had not previously occupied my attention, and consequently nothing, authorizing a change in my opinion. In this connection it is proper to add, that prior to this decision, I had appointed a number of Bank officers, and subsequently to it, I declined appointing to the State Land Offices, both these kinds of office being in precisely the same condition

with that of Public Printer, and their appointment involving the same questions. The officers appointed to the Bank, were permitted to enter upon their duties without objection. I have no reason to believe, that the Public Printer or any one of the Land Office incumbents, have failed in a proper exercise of his functions, but I am still impressed with the opinion, that the securities are not bound for any direliction. I therefore recommend, that these officers be appointed as early as practicable, and that the law be so amended, as to prevent the recurrence of a similar state of things.

The extension of our dominions to the shores of the Pacific, the rapid growth of communities on that coast, and the multiplication of our commercial relations with Eastern Asia, and the western borders of South and Central America, have at last, awakened the public mind to the importance of opening new and more rapid lines of communication, between the Valley of the Mississippi, and the western limits of our possessions. Intelligent, enterprising and patriotic individuals, have devoted their talents and time to the subject, and a number of plans for the construction of a railroad, have been laid before the public. Such a work must be either Northern, Southern or Central. If it be a Northern one, its eastern terminus would probably be in Wisconsin or northern Illinois, thus enabling the north-western States to monopolize the advantages and profits. If it be a southern one, its eastern terminus will be probably at Galveston or New Orleans, thus enabling the south-western States to hold a like monopoly. If it be Central, its eastern terminus would be at some point on the western border of this State, and the products of our trade with those countries watered by the Pacific and its tributaries, might be thence distributed, by means of branches, to every section of the Union, thus giving all the States as equal a participation in the benefits, as it is possible to give them. It is to be hoped, therefore, that Congress, in whatever it may do to encourage the construction of this great work, will not weaken the bonds of the Union by sectional partiality.

That such a road can be constructed at a reasonable

outlay, on any one of a number of lines, between our northern and southern frontiers, has been abundantly demonstrated. That if constructed upon a Central one, it will strengthen the bonds of our Union, multiply communities west of us, bring into cultivation many millions of acres, which must otherwise continue to be a wilderness, develop vast beds of rich mineral resources, and augment our national wealth, by an increase of our revenues, manufactures, and domestic and foreign commerce, is so clear, that argument to prove it, would be a work of supererogation.

Intimately connected with this subject, being only an additional means of communication, is the construction of a line of Telegraph, and the carriage of a daily mail across the continent. Under our present arrangement letters arrive at New York from San Francisco, in twenty-five to thirty days, and in St. Louis in thirty to forty days. If a line of enclosures, such as the fur traders erect, were built at distances of thirty miles from one another, from our border to San Francisco and Oregon, a daily mail could be carried, (at least a letter mail,) in seventeen to twenty days, through the whole year; thus reaching St. Louis and New York earlier than at present, and at little over one-half the present contract price. These posts would afford protection to our emigrants and traders, and be also Telegraph stations, bringing us at once into hourly communication with our brethren on the Pacific.

The United States unquestionably owe protection to their emigration and infant communities. That they are not sufficiently protected, is very evident from the bloody and cruel massacres, which have been so frequently perpetrated against them. If Congress should determine to provide more effectual means against such distressing occurrences in the future, a regiment of a thousand troops garrisoned in these posts, would give the necessary protection, and might be required to carry the mails between our western border and the Pacific. The whole amount necessary for the pay, equipment and support of these troops, would not exceed one-half of the sum now paid for transport-

ing the mails between New York and San Francisco. The protection thus afforded, would induce an immense travel upon this line, that would prefer the inland route to the circuitous and dangerous one by sea. It would also cause a line of settlements to spring up along these posts, that would soon be able to furnish shelter, necessities, and even comforts to the traveling community, which again in their turn, would increase, encourage and invigorate the settlements. Thus would be formed a great chain of settlements spanning the continent, and a great highway of emigration, travel and trade would be opened.

It is needless for me to expand this subject into all its details. They will suggest themselves to every reflecting mind. There are numbers of our enterprising citizens who are anxious to undertake the construction of a line of Telegraph, and the carriage of such a mail, if they can only receive as much encouragement in these enterprises, as is given, at every session of Congress, to schemes of much inferior importance. A grant of 500,000 acres of land to this State or to the Territory of Kansas, would enable either to contract for and secure the construction of a Pacific Telegraph. These would be but the precursors to a great line of railway, which, when completed, would bring all our possessions into such intimate communion as would create as profound attachment to the Constitution and the Union, at the circumference as in the centre of the confederation. I recommend to you such action on those subjects as will stimulate our Senators and Representatives in Congress, to zealous efforts in behalf of these works, and the Congress itself, to more efficient and decisive measures.

It is with pain and solicitude, that I announce to you, that our relations to our sister States, and to the Union, are not such as to give us assurance that the Constitution will be held sacred, and the Union perpetuated. More than thirty years ago, emissaries were dispatched into the northern States, and very recently into the southern States, by the enemies of constitutional liberty in Europe, furnished with means to propagate slander and falsehood, and excite the

meanest and most degraded prejudices of the human heart. These agents have performed the task allotted to them, with unceasing vigilance and determined perseverance. A brief space of time only had elapsed, before they succeeded in rallying around them, a party of desperate and unprincipled men, assuming the office of Missionaries, have continued to preach a crusade against the institution of slavery. Emboldened by their success in misleading the ignorant and unwary, and exciting a morbid and fanatical religious sentiment, they have not hesitated recently, to avow themselves open enemies of the Constitution and the Union. Such is the origin, such the character, and the purpose of the Abolition party.

The success of this treasonable design, rendered it an object with desperate and corrupt politicians in the northern States, to obtain the votes of the abolitionists. For this purpose, a new party was organized, under the specious name of the Freesoil party. Professing, in their public proceedings, adhesion to the Constitution, and yet constantly advocating unconstitutional schemes to further the designs of their abolition allies, they have acquired the confidence of that traitorous faction; whilst they have seduced into their toils, large numbers of good men, who do not comprehend the inevitable consequences of the policy they advocate.

This combination of heterogenous elements, seem to have an elective affinity for all the ephemeral factions, that are engendered by local conflicts, or temporary causes. There is an instinctive propensity, that, when these petty combinations are disbanded by the progress of events, their constituent elements must unite with the anti-slavery party. Their policy has been cautious and plausible. They affect to admit that Congress has no power to interfere with slavery in the State; and yet, if that is not the ultimate object, their whole system of operations is absurd. The chief ends aimed at hitherto, have been the exclusion of slavery from the Territories, and where they have failed in this, the exclusion of slave States from the Union, and the abrogation of the

clause in the Constitution, providing for the reclamation of fugitive slaves.

They know well that success in these objects, would give them a preponderance in our national councils, and enable them to violate the Constitution still more grossly, in reference to the institution of slavery in the States.

Their purposes have been evinced in every instance of the organization of Territorial governments, and of application for the admission of slave States into the Union. This most remarkable instance of this spirit was, when our own State applied for admission. The position assumed by the anti-slavery party, was, that Congress had the power to require an abolition of slavery, as a condition precedent to admission. After a conflict, which seriously threatened the integrity of the Union, a proposition was submitted by a Senator from Illinois, to exclude slavery north of latitude 36°30', and admit it south of this line. Although doubts were entertained of the constitutionality of such an enactment, the proposition was acquiesced in, and the bill for the admission of the State adopted with the amendment proposed. It was opposed only by the opponents of southern institutions, and acquiesced in, by a large majority of the Representatives from the southern States, merely for the sake of peace and union. This act embodied what is commonly called the Missouri Compromise, a measure, which, until recently, met with unqualified reprehension from the anti-slavery party.

They struggled to have it disregarded when Texas was admitted, and they bitterly opposed the proposition to extend the Compromise line to the Pacific. It was not until after the effort to extend this line to the Pacific had failed, that the friends of the Union reverted to, and asserted the true American and Republican principle, that the people of every community have an inherent and indefeasible right to frame their own laws. This great natural right was recognized, for the first time, in respect to the Territories, by the acts for the admission of New Mexico, California and Utah; commonly called the Compromise measures.

It suits the purposes of the enemies of the Union, at the present time, to affect extraordinary reverence for the Missouri Compromise. Forgetful of the thirty years opposition they have made to it, and supposing that the nation is alike forgetful, they have recently claimed for it a sacredness beyond and above all law. In their eyes, it has ceased to be an act of legislation—it is *a compact*, which supersedes the Constitution; and not a law, passed in pursuance of it. The powers of Congress are delegated in, and specified and limited by the Constitution.

I find none enumerated in that instrument, authorizing that body to make a compact, nor have I found any authority given by the States to their Senators and Representatives, to enter into one. The eighth section of the act of the 6th of March, 1820, was, therefore, a law, in its true and proper sense, and as subject to be repealed as any other law. If, in conformity to the Constitution, it was a law binding upon the States and the people; if not, it was null and void, and needed only a judicial decision, to authorize the public to refuse obedience to it. There is no power given to Congress to say, that slavery shall exist on one side of a line of latitude, and shall not on the other; and hence, in my opinion, that clause of the Missouri act was a nullity. I rejoice, however, that it has been repealed according to the forms of the Constitution. The question is, therefore, unequivocally settled.

Prior to the formation of the Constitution, the political sovereignty, or right of eminent domain, resided in each of the old States, to so much of the soil, as was included within their respective chartered limits. After the designation of the boundaries of the States, and the formation of the Constitution, they held a joint sovereignty in the public domain. Territories have since been acquired by purchase, and by conquest sanctioned by treaty. The political sovereignty is vested by the act of acquisition, in the States; and not in the general government, which is but a trustee, whose powers are limited by the instrument which created it. The States have never divested themselves of the politi-

cal sovereignty over the territories. The only power given to Congress is "to dispose of, and make all needful rules and regulation, respecting the territory of other *property belonging* to the United States." Instead of being a grant of sovereign jurisdiction, this is an actual reservation of it. It is a grant of power to dispose of the property right in the soil or any other property, but it asserts, at the same time, that it *belongs* to the States. In empowering Congress to dispose of the public lands, the Convention well knew, that new communities would be built up west of the Alleghanies. If it had been their purpose to authorize Congress to organize governments, or to enact municipal regulations for these communities, is it possible to believe that such a power would not have been enumerated? And is it possible to believe that statesmen, who knew so well the use of accurate language, meant to convey all the powers of government *as an incident* to a power to sell lands?

The facts of history prove that our fathers did not intend to confer such a power upon Congress. They had just achieved the most extraordinary revolution in the annals of mankind. It was a revolution in the defence of a principle, and that principle was the right of self-government. They did not choose to impose upon their own children, emigrating to the territories, the very yoke which they had themselves hazarded "their lives, their fortunes, and their sacred honors" to throw off. They intended to permit them to occupy the new territories. They did not intend to part with political sovereignty. Those who availed themselves of the permission, did not thereby cease to owe allegiance to the United States, but they were authorized to govern themselves consistently with that allegiance. By refusing the power of Congress, and providing no other method of organizing governments in Territories, the States recognized in the people occupying them, the great natural right of self-government. Congress may recommend, it cannot impose a form of government upon Territories. The late act for the organization of Kansas and Nebraska, clearly recognizes the rights of the people to enact their own municipi-

pal laws. I rejoice that it has been adopted, and hold that, as the people of the Territories have acquiesced in its provisions, it is binding upon them.

In conclusion allow me to promise a hearty cooperation in all measures calculated to promote the welfare and happiness of the people, and the advancement of our State; and to invoke a harmonious spirit on your part, in the accomplishment of these desirable ends.

STERLING PRICE.

EXECUTIVE DEPARTMENT,

CITY OF JEFFERSON, DEC. 25, 1854.

SECOND BIENNIAL MESSAGE

DECEMBER 29, 1856

*From the Journal of the Senate, pp. 14-23**Gentlemen of the Senate and of the House of Representatives:*

In again addressing you on the affairs of our beloved State, it is a source of great gratification to me to be enabled to congratulate you on the high degree of prosperity with which a kind and protecting Providence has blessed our people, since the close of your last session. Abundant harvests have rewarded the labors of our farmers—our mining and manufacturing interests have flourished and have been greatly extended—our commerce has grown with the general rapid, but healthy growth of our State and its neighbors, and remunerative prices have encouraged all branches of industry. The health of all portions of the State has, also, been unusually good, and our citizens have not been plagued with any epidemic diseases.

The report of the Auditor of Public Accounts will exhibit to you, in detail, the state of our finances in the two fiscal years, and their probable condition for the next two; it shows that the Treasury is not only in a satisfactory, but in a highly flourishing condition.

The amount of revenue received in 1855, is.....\$489,130.19

The amount of revenue received in 1856, is..... 517,983.34

Total amount recived for the two years

ending 1st October, 1856.....\$1,007,113.53

The amount expended in 1855, is....\$393,704.74

The amount expended in 1856, is.... 478,113.98

Total amount expended for the two years

ending 1st October, 1856.....\$871,818.72

The balance in the Treasury on 1st October, 1856 \$271,899.94

This sum includes, however, \$200,000, set apart by the act of December 13th, 1855, for the payment of a like amount

of State bonds which became due on the first day of July last, and the available balance is, therefore, \$71,899.94.

The Auditor's estimate for the revenues to be received from all sources, during the fiscal period of two years, ending on the 1st of October, 1858, is \$1,191,361.67.

The ordinary expenses for the same period he estimates at \$500,000, and the amount chargeable to revenues, for school purposes, at \$297,840.41. If the actual receipts and expenditures correspond to these estimates, there will be a surplus in the Treasury, on the 1st October, 1858, of \$422,374.29.

By the act of 7th December, 1855, "to secure the prompt payment of interest on State bonds," the Treasurer of the State and Auditor of Public Accounts, were made commissioners to carry out the provisions of that act, to create a "State Interest Fund," and invest the same. They have, accordingly, invested \$50,198.04 in Missouri stocks, having purchased for that sum, fifty-eight State bonds, of \$1,000 each.

Under the various acts of the General Assembly loaning the credit of the State to certain Railroad Companies, State bonds have been issued and delivered to those companies, to the amount, on 1st October, 1856, of \$9,633,000, as follows:—

For the Pacific Railroad, (main trunk):—

Act to expedite the construction of the Pacific Railroad road and the Hannibal and St.

Joseph Railroad, approved February 22, 1851. \$2,000,000

Act to accept a grant of land made to the State of Missouri by Congress of the United States, to aid in the construction of certain Railroads in this State, and apply a portion thereof to the Pacific Railroad, approved 25th December,

1852.....\$1,000,000

Act to secure the completion of certain Railroads in this State, passed 10th December, 1855.... 1,700,000

Total.....\$4,700,000

For the Pacific Railroad, (South-West Branch):—

Act to secure the completion of certain Railroads
in this State, passed December 10, 1855..... \$200,000

For the Hannibal and St. Joseph Railroad:—

Act to expedite the Pacific Railroad and Hannibal
and St. Joseph Railroad, approved 22d
February, 1851..... 1,500,000

For the North Missouri Railroad:—

Act to expedite the construction of the North
Missouri Railroad, approved 23d December,
1852..... 1,240,000

Act to secure the completion of certain Railroads
in this State, passed 10th December, 1855.. 1,000,000

Total.....\$2,240,000

For the St. Louis and Iron Mountain Railroad:—

Act to expedite the construction of the Iron
Mountain Branch of the Pacific Railroad,
approved December 25th, 1853..... 750,000

Act to aid in the construction of the St. Louis and
Iron Mountain Railroad, approved 3d March,
1855..... 243,000

Total..... \$993,000

These sums amount in all to \$9,633,000, representing
the extent to which, on the 1st October last, the credit
of the State had been actually used by these companies.
In addition, the State has authorized the issue of the following
amounts, on compliance with the conditions imposed in the
several acts of the General Assembly relating thereto:—

For the Pacific Railroad, (main Trunk,).....\$1,300,000

For the Pacific Railroad, (S. W. Branch)..... 2,800,000

For the Hannibal and St. Joseph Railroad..... 1,500,000

For the North Missouri Railroad..... 1,760,000

For the St. Louis and Iron Mountain Railroad... 2,007,000

For the Cairo and Fulton Railroad..... 250,000

Total unissued.....\$9,617,000

The act of 10th December, 1855, "To secure the completion of certain Railroads in this State," loaned to the North Missouri Railroad one million of dollars of State bonds, "to be expended by the Governor, or by an agent, to be appointed by him, for the purchase of the Railroad iron, necessary to lay the track of said Road between St. Charles and the Hannibal and St. Joseph Railroad, and the rolling stock for the same." I thought proper to appoint ISAAC H. STURGEON and ROBT. WALKER, the agents to carry out that provision of the act: first taking their bond to the State, in the sum of one hundred thousand dollars, with ample security, for the faithful performance of their duty. Bonds of one thousand dollars each, for the whole amount, have been issued and delivered to the said agents; and they report to me that between two and three hundred thousand dollars have been expended for iron and rolling stock, and that the remaining bonds are yet unsold.

Although our finances are in a sound condition, and the rapid increase of the wealth of the State will occasion a corresponding increase of her revenues, yet further experience and reflection, only confirms me in the opinion expressed in my last biennial message, that it is inexpedient to reduce the rate of taxation now established by law. New objects of expenditure are constantly arising in a prosperous and growing community, and they require increased outlays. But even should a large surplus remain in the treasury, after providing for all just and reasonable expenses of the State, it can be most usefully employed in diminishing her indebtedness, or in otherwise maintaining and increasing her credit, either under the provisions of existing laws, (such as that for the creation of the State Interest Fund) or in such other manner as experience and the wisdom of the General Assembly may point out as the best adapted to that end.

One of the most important subjects which will engage your attention is the proposed amendment of the State Constitution, authorizing the creation of new banks, based upon a specie capital and made liable to redeem their

issues in gold or silver. Should this amendment not become a part of our organic law, I renew the recommendations made by me two years ago, in regard to the present Bank of Missouri, whose corporate existence was extended to your last session to the 2d of February, 1861. To allow its charter to expire without creating any new bank, would be practically to give to the neighboring, and even more distant States, the power to regulate our currency. Penal restrictive laws against the circulation of bank notes of other States, unless of such a stringent kind as to be oppressively tyrannical, would, as all experience teaches us, be practically useless. Besides, however desirable in theory a currency may be which is composed exclusively of the precious metals, it is very injurious to the commercial and other interest of any community for it to attempt to isolate itself from the rest of the world, in so important a matter as its currency.

Our commercial connections with our sister States being of the most intimate kind, we would be disadvantageously situated in our intercourse with them, if while they were enabled to trade on their credit, in the shape of bank notes, we should persist in confining our commercial operations to the extent permitted by our actual capital in gold and silver.

Therefore, if we could exclude from our currency all bank notes and confine it to coin, it would be bad policy to do so; and if it be good policy to increase our commercial facilities by the use of bank notes, it requires no argument to show that we should use all just and prudent means to have such a circulation furnished mainly, and if possible exclusively, from institutions in our own limits, subject to our laws and managed by our citizens.

It is equally clear that to secure such a circulation we must take measures to have it furnished in an amount sufficient to meet our wants, without an additional supply from the banks of other States; and I am confident that no one acquainted with the vast and rapidly increasing commerce of Missouri, will consider a banking capital of five

millions of dollars at all too large for an institution designed to furnish us a paper currency adequate to our necessities.

Entertaining these views, I recommend (in the event of a rejection of the proposed amendment of our Constitution) an extension of the corporate existence of the Bank of Missouri, for such a period as the General Assembly may consider prudent, and the raising of its capital to the full amount authorized by the Constitution. And, although the present charter of the Bank does not expire until 1861, yet, if the policy above recommended should be adopted, it is better to enter upon it without delay.

A two years' period of uncertainty relative to the ultimate fate of the Bank would be thereby avoided, and our commercial interests receive promptly the aid they unquestionably need in this particular.

But should the proposed amendment to our Constitution be adopted, a very delicate and important duty will be imposed upon the General Assembly, viz: that of organizing an extensive Banking system for the State. In compliance with the obligation imposed on me by the Constitution, I proceed to recommend to your consideration the measures which, in that event, I deem just and prudent.

Experience and observation will have taught us all that, in framing a Banking system, two objects are to be kept constantly and prominently in view, viz: the granting of such reasonable advantages to the stockholders, as will induce capitalists to embark their funds in banking institutions, and the placing of such checks and guards upon their management, as will effectually secure the interests of their note-holders, depositors, or other creditors.

A third object, and one, in my opinion, not less important in every government, particularly in one based on the principles of true republicanism, is to preserve such a prudent control of these corporations by the people and their government, as will prevent the acquisition of any undue influence by those bodies over the sovereignty which gave them being, or enable them to trammel that sovereignty in the exercise of its just powers; among which, one of the most important

is the right to control its currency. One of the most violent political contests which this Union has known, arose from the necessity of freeing the General Government and the people from the overshadowing influence of a great moneyed corporation. It will be but prudent in us to guard against the future existence in our own State of any like necessity. A people is rarely more governed than when it is "corporation ridden."

The inducements to capitalists to take stock in banking corporations consist mainly in the limitations of their personal liabilities, which are usual in joint stock companies of all kinds, and in the right to use, in addition to their capital, the credit of the institution in the shape of notes designed for general circulation, and to supply the place of specie in the currency. When these privileges are made very extensive, (as for instance, when the stockholders are not made individually liable for the debts of the bank, and its power to issue notes is unlimited,) it has been the habit of American legislators, to require, as a compensation or bonus, the payment of an adequate sum into the State Treasury.

The obvious objections to such a course are, that it presents the appearance of making sale of monopolising privileges to a few, and barter away for money the true principle which should guide in delegating to individuals the power to create money, viz: that they should be granted only such advantages as are absolutely necessary to compensate them for the risk and trouble of furnishing a safe currency. It makes the right to bank with profit the leading idea in the system, and puts up this dangerous privilege for sale, while that right should be entirely subordinate to the right of the masses to a sound currency, and be granted only so far as it may be absolutely necessary to induce individuals to engage in banking.

It is true that there may be some countries in which, from the superabundance of capital, the bare right to establish a bank corporation, even under the most stringent restrictions, would be so valuable as to be salable at a

premium; but my knowledge of Missouri and the state of its money capital, would lead me to the conclusion that no system of banking, offering such advantages to capitalists as would induce them to pay a bonus for the privilege of operating under it, would be one in which the restrictions would be all that are desirable for the protection of bank creditors. With us the danger is not that we may impose too stringent restrictions and thereby unnecessarily deprive our Treasury of a profit which might be made by selling the right to bank without them, but that we may be compelled to omit restrictions, otherwise judicious, in order not to render the whole system a nullity by deterring capitalists from investing under it. But should, as is most probable, the main question be, in forming a banking system for the State, what restrictions can be introduced without rendering it so stringent as to prevent investments under it, a wide field will be opened for legislative caution and wisdom on the part of the General Assembly. Fortunately the terms of the proposed amendment of the Constitution will relieve you from the necessity of considering some questions of great perplexity in the banking systems of some of our sister States. In Missouri every bank will have to be "based upon a specie capital, and made liable to redeem its issues in gold or silver." This clearly means that the subscriptions to the capital stock of such a bank must be paid only in specie: but to the General Assembly is left the task of devising the means and modes of preserving a specie capital as the basis of operations of such a bank, and of preserving its continuous ability, as well as enforcing its liability to redeem its issues in coin.

There is, also, nothing in that proposed amendment which will prevent the General Assembly from imposing on any bank such additional liabilities and restrictions as may be prudent. Among the restrictions which have been carried into practice in banks, or suggested by men professing a knowledge of finance, are, liability of individual stockholders beyond the amount of their stock, either to a limited extent, or jointly and severally, for the issues of the bank,

in a fixed proportion to its capital, or to the specie on hand at certain periods: preference in payment of liabilities of the bank of note-holders over depositors, and of both over all other creditors; restriction of the rate of interest on loans, and of the proportion of capital to be employed in exchange business: prohibition of usurious loans in the shape of sales or purchases of bills of exchange at exorbitant discounts; restriction of the amount of discounts to directors: exclusion of persons engaged in money-lending from the office of director: penalties on the purchase or sale, directly or indirectly, by any officer of the bank, of bonds, notes, or bills of exchange: reservation of a right by the State to name a portion of the Directors; frequent periodical publication of the state of the Bank's affairs; periodical examination of its condition by persons acting under State authority, and a reservation of a right in the State to alter or repeal the bank's charter.

I will not enter a discussion of the merits of all these restrictions: the General Assembly, in its wisdom, will select such as they deem judicious, or devise others to secure the great object for the people of a banking system, viz: a sound currency.

It should, also, in my opinion, be the fixed policy of the State, to establish no bank except on the condition that full liberty be left the General Assembly to alter or revoke its charter. Experience may teach the necessity of new regulations, necessary for the public good, and it can be no injustice to the stockholders for the State to retain such a power: because, if they are dissatisfied with such new regulations, they can always surrender their charter, and invest their capital otherwise; nor is it to be expected that any General Assembly will use such a power to their injury.

The amount of capital authorized by the proposed amendment of the Constitution is, doubtless, ample to supply the present demand for banks. Should it, however, be less than that demand, I am inclined to think that it will be sound financial policy to give the preference, in fixing the amount of capital of the banks, to those located in our smaller

towns rather than those of the commercial capital of our State.

Bank accommodation to our country merchant is, in fact, accommodation to the wholesale dealers, from whom he makes his purchases in St. Louis or elsewhere, as it enables him to meet his liabilities to them. It is, also, better to have the trade of the State conducted, as far as possible, on the principle that the country merchant should obtain his bank accommodations at the place of his residence, where he is best known and where his property lies, and make his purchases from the wholesale dealers principally in cash, rather than use his credit in the shape of notes to those dealers, to be offered by them for discount at the commercial capital, and there turned into cash. Facilities to the farmer to obtain, in case of necessity, bank accommodations, are also useful in rendering him more independent of speculators and fluctuations of the market in obtaining a fair price for his produce. The preponderance of capital in a commercial center has, also, a tendency to bring the country and smaller towns into a commercial subjection to it—a subjection not only financially unwise, but politically dangerous, as the influence of the money power in any community is greatly increased by its concentration in a few hands and in one place. I confess to a desire to see the country merchant and the farmer, by ample facilities for the use of his credit at home, enabled to conduct his dealings with the wholesale trader on a footing of the greatest independence to which legislation can enable him to attain: it, also, cannot be denied that a growing spirit of bitter hostility to the time-honored institutions of Missouri, has shown itself in the city of St. Louis among a portion of its inhabitants; and while it would be unwise and unjust to legislate against the interests of any community because of the conduct of a portion of its citizens, yet it is both wise and just to shape your legislation with a view to render the balance of the State independent of its metropolis, which chooses to give aid and comfort to our enemies.

We have seen in Eastern cities systematic attempts to

divert capital from our borders, depreciate our State credit, and even cry down that of our individual merchants, for the sole reason that we protect the institution of negro slavery. This General Assembly will not have done its duty if it omits any wise, and just measure to secure for the farmer and country merchant, complete independence of mammoth city banks, to be controlled by enemies to our institutions, ready, as in some financial circles of the great Atlantic cities, to make his credit with them depend on his political subserviency to their fanatical schemes. To such enemies in our midst, we can give all the favor and protection the Constitution guarantees them: they cannot seriously expect us to put into our mouths a financial bit wherewith to control us. To extend reasonable banking facilities to our commercial capital it is not necessary to run even the slightest risk of converting Missouri into a bank-ridden State, controlled by anti-slavery corporations in St. Louis.

The Geological Survey of the State is progressing as favorably and rapidly as the means at the command of its able and efficient Superintendent, Prof. G. C. Swallow, will permit. The results of the labors of the State Geologist and his Assistants, exhibited in the reports already published, must convince every one that the State is most amply compensated for the outlay, by the increase of the wealth of our citizens, from a more extensive knowledge of our great mineral resources. I earnestly recommend such an additional appropriation as will enable the Survey to be continued with efficiency and rapidity.

The Penitentiary continues to be well managed under the present system and I renew my recommendation that the system be maintained.

The State University is in a prosperous and flourishing condition. In this enlightened age it is unnecessary to dwell upon the great importance of such an Institution in our midst, and I cordially commend its interests to your fostering care.

The Deaf and Dumb Asylum, Lunatic Asylum, and Institution for the Education of the Blind, continue to be

conducted in a satisfactory manner, and fully merit the humane interest which the State manifests in their preservation and the extension of their benefits to all deserving objects.

The act of the last General Assembly, to provide for the printing and binding of the Revised Statutes, seems to have contemplated that they should be bound in one volume; but, in consequence of the great size of the work, I advised the Superintendent to divide it into two volumes, and he has done so.

An additional appropriation will be necessary to defray the increased expense, and I recommend that it be made.

I have received patents from the United States for a large amount of lands selected by the State or county authorities, in the Springfield, Warsaw, Jackson, and Fayette Land Districts, under the provisions of the act of Congress of the 28th September, 1850, donating swamp and overflowed lands; and I am assured that the State will receive patents for the remainder thus selected in this State as rapidly as the patents can be made out at the proper Department in Washington City. These embrace all the lands that have been selected and reported to the Commissioner of the General Land Office, the validity of which selections have not been disputed by individuals. The time beyond which no further disputes of this character would be allowed, having expired on the 21st of June last, I consider it highly probable that Congress will, at its present session, pass an act authorizing the issuing of patents at once to the States, for all the lands that have been reported, thus dispensing with any further action on the disputed cases.

I again call your attention to the very inadequate salary attached to the office of Governor. About to surrender it, I have no personal interest in having it increased; but my own experience convinces me that the sum now allowed is insufficient to properly defray the unavoidable expenses of a Chief Magistrate of so large a State as this. I recommend that the salary of Governor be raised to at least three thousand dollars per annum. I also recommend that, in place of

the present salaries, fees, and charges allowed the other chief officers of the State at Jefferson City, a fixed compensation to each, of at least two thousand dollars should be given; house rent, servant hire, provisions and all other expenses necessary to the support of a family, have increased at least two-fold in this city within the last ten years.

I renew my recommendation of the consolidation of the Supreme Court at Jefferson City. Any plausible reasons that might have been urged against the proposition, when made by me two years ago, are greatly weakened now by the fact that a speedy communication by railroad exists between St. Louis and the capital.

The opinions expressed in my last biennial message on the subject of a railroad, line of telegraph, and daily mail across the continent to California, have not only remained unchanged, but have been fortified by further observation and reflection. Events of the present year, also, ought to warn the Government of the United States against pursuing the mistaken policy of making our main lines of communication with our Pacific coast through the possessions of foreign powers. Of the two main lines, that through Nicaragua has for months past been obstructed by the civil war still raging in that unhappy country. The other, over the Isthmus of Panama, has been shown to be attended with imminent danger to the lives and property of our citizens, from the lawless conduct of its inhabitants. We learn from the last message of the President that "questions of a most serious nature are pending between the United States and the Republic of New Grenada," all arising out of this very necessity now imposed on our citizens of using a circuitous route through foreign territory and over two oceans, instead of a natural and convenient one through our possessions to the Pacific coast. All friends of a speedy mode of communication between the Eastern and Western limits of our Confederacy should rejoice, that the political party which the people have placed in power for the next Presidential term stands pledged in favor of all proper and constitutional efforts by the Federal Government to effect that end.

Already something has been done by our own citizens towards improving the present condition of things. A company has been organized by citizens of this State, and has made the necessary preliminary examinations, with a view to the establishment of an overland mail route from Missouri to California. A bill has, also, been introduced into one branch of Congress for an overland mail route from St. Louis to San Francisco, and for a line of telegraph in connection with it. I trust that it will speedily become a law, and be the first only in a series of judicious legislative acts by the Congress of the United States to draw more closely together the bonds of the Union, in establishing a frequent and rapid overland communication between its Atlantic and Pacific coasts.

This, my last communication to you, gentlemen, will terminate my official connection with you, and with the people of the State of Missouri, I cannot forego the only opportunity I shall have to return my unfeigned thanks for the many honors they have conferred upon me, and the generous confidence they have extended to me, and my administration. I have endeavored invariably and conscientiously to exercise the important powers confided to me in such manner as to advance the great interests of the State, and to maintain its credit and character. If I have committed errors, (as no doubt I have,) I shall carry into my retirement the pleasing consciousness that they have not been intentional ones. It will become the immediate duty of the distinguished citizen who has been called to succeed me to cooperate with you in the promotion of the public prosperity. The circumstances under which he was elected, abundantly attest the confidence of the people; and his sterling integrity, eminent abilities and unquestioned patriotism give the best assurance that nothing will be wanted on his part in devising or aiding in measures of public utility.

I take great pleasure in congratulating you on the auspicious result of the Presidential contest by which these States have just been convulsed. For the first time in the

history of the Republic, the solemn warnings of the Father of his Country have been disregarded by a large portion of its people, and a sectional party, having (with a few ignominious exceptions) its adherents solely in those States in which the institution of slavery does not exist, has been rallied to an attack upon the equality of States, which is the corner-stone of our Federal Institutions. But another very large portion of the people of those very States, and in some of them a majority, have proven faithful to the compromises of the Constitution, and driven back the flood of fanaticism which threatened to overwhelm us in its fury. A large debt of gratitude is due by all lovers of the Union and the Constitution to the National men who met and conquered the foes of that Union and Constitution in the Northern States. Let us trust that a conquest gained over such heavy odds will prove a durable one. The experienced statesman who is about to take the helm of our National Government, has before him a task of delicacy and difficulty; but his principles and previous public life afford us ample guarantees that his aims will be only the glory and prosperity of all the States, and the perpetuation of the Union in the spirit in which it was formed by our fathers.

In conclusion, fellow-citizens of the General Assembly, permit me to take leave of you, with sincere wishes for your welfare as individuals, and a confident hope that your labors as legislators will redound to your own honor, and the permanent advantage of our great and beloved State.

STERLING PRICE.

EXECUTIVE DEPARTMENT,
CITY OF JEFFERSON, DECEMBER 29, 1856.

VETO MESSAGES

TO THE SENATE

JANUARY 22, 1853

From the Journal of the Senate, pp. 242-246

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 22, 1853.

Gentlemen of the Senate:

I am sure that no one can be more profoundly impressed than I am, with the importance of works of internal improvement. They are essential to the increase of trade, the encouragement of industry, the development of our great natural resources, the advance of mechanical skill and genius, the growth of home manufactures, and above all, the permanent and solid prosperity of agriculture. But we must bear in mind, that systems of internal improvement must be adapted to the condition of the community in which they are proposed—that which would conform to and advance the interests of a new community would be unequal to the wants and necessities of an old one; and that which would be required in an old one, would probably plunge a new one into embarrassment which would operate as permanent obstacles to its progress and welfare. They should bear a just relation to the natural resources, the population, the value of property, the amount of the circulating medium and the probable increase of production to be anticipated from their construction, and they should be constructed as near as may be by those who are to be the recipients of their benefits, distributing the burthens with a just regard to the individual, local and general interests to be promoted. Happily for us, we are not without examples of both the extremes I have alluded to in the United States. In some of the States, systems of internal improvement have been adopted which were very far in advance of the wants of the community, and made a charge upon the common treasury. The consequences

were so disastrous that it required years of time, and the most burthensome taxation to recover from them. Other States might be mentioned but I need only allude to the State of Illinois as an illustration, with which we are all familiar. In others, works of internal improvement have been postponed to a period long subsequent to that in which they were demanded by their necessities, and their growth and prosperity have been seriously retarded. Kentucky and our own State are examples of this extreme. So far our system has been wisely planned, and prudently and judiciously executed. We look chiefly to those interested in railroads, for the means of construction and we loan the credit of the State chiefly because it gives them a credit in the money market which they could not acquire in their individual capacities.

If we keep pace with the wants of the community, and do not suffer ourselves to be precipitately tempted beyond them, we will place our prosperity upon a solid basis; if on the other hand, we lose sight of the landmarks I have indicated, revulsion and bankruptcy are inevitable. Such are the general considerations which in my judgment, should guide us in the new career upon which we are entering, and I submit them with much diffidence, and most respectfully, for the consideration of the Senate.

I have before me two acts which originated in the Senate, viz: "An act to incorporate the Platte country Railroad company and to expedite the construction of said railroad;" and "an act to revive and amend an act entitled an act to incorporate the Lexington and Daviess county railroad," approved Feb. 10, 1851, and to expedite the construction of said railroad. After mature consideration and with a sincere desire to go as far as I can consistently with a sense of constitutional duty, in promoting works of this character, I have been unable to bring my mind to the conclusion that these bills ought to be approved. I therefore return them to the Senate, and submit in obedience to the constitution, the following reasons for my determination:

The laws authorizing the bonds of the State to be issued, provide that they shall not be disposed of for less than their par value. If our condition and resources and our legislation are such as so inspire confidence in the money markets of the east, there will be no difficulty in disposing of them, and the works in aid of which they are issued will be commenced and progress with a rapidity proportioned to their importance—if on the contrary apprehensions are excited—we know how timid capital is—and we may anticipate difficulty in disposing of them, and a consequent indefinite delay in the construction of our roads. At the last regular session, and at the extra session of the general assembly, provision was made for issuing bonds in aid of the Pacific road, the southwestern branch of the Pacific road, the North Missouri road, the Hannibal and St. Joseph road and the Iron Mountain branch of the Pacific road.

The Pacific road bonds are ultimately to be issued to the amount of three millions of dollars. The amount of stock to be taken by individuals, towns and counties, before the issue is commenced, is one million five hundred thousand dollars. To the southwestern branch of the Pacific road, bonds are to be issued to the amount of one million of dollars—the amount of stock required to be taken before the bonds are issued is five hundred thousand dollars. To the North Missouri road, bonds are to be issued to the amount of two millions of dollars—the amount of stock to be taken before they are issued is one million of dollars. To the Hannibal and St. Joseph road, bonds are to be issued to the amount of one million five hundred thousand dollars—the amount of stock taken before they are issued is five hundred thousand dollars. To the Iron Mountain branch of the Pacific road, bonds are to be issued to the amount of seven hundred and fifty thousand dollars—the amount of stock to be taken before they are issued is three hundred thousand dollars. And finally, they are to be issued in sums of fifty thousand dollars to all the companies as rapidly as like sums are expended by them. Is there not just cause to fear that if we provide for issuing more bonds to new

companies, our legislation may have a detrimental influence upon their value in the money markets of the east, where our real condition is imperfectly known, and our resources imperfectly appreciated? This apprehension is daily justified by the reluctance with which eastern capitalists invest their means in the most solid and reliable branches of western business.

The whole taxable property of the State, real and personal, is valued at about one hundred and fifteen millions of dollars. The Pacific road will be two hundred and ninety miles in length; the southwest branch will be three hundred and ten miles, the North Missouri road will be two hundred and twenty-eight miles, the Hannibal and St. Joseph road will be two hundred miles, and the Iron Mountain branch will be seventy-five miles, making an aggregate of one thousand one hundred and three miles. At the rate of twenty-five thousand dollars per mile, the cost of constructing these roads will be twenty-seven millions five hundred and seventy-five thousand dollars. This I think is about the average cost of railroads, but to this we must add at least fifteen per cent., in consequence of the high prices of material and labor. The whole sum therefore will far exceed a fourth of the value of all our taxable property. But let us look at this consideration in another aspect, all our taxable property is not productive, there are large quantities of valuable lands which are uncultivated. But supposing that the whole of it yields six per cent. in value, the entire annual product of our industry is six millions nine hundred thousand dollars. Upon the supposition that our people could live without food or clothing, and that our population would not be increased by emigration, it would require upwards of four years to complete these roads by expending upon them, all the profits of our industry; and upon the supposition that one-half of our annual products were expended upon them, it would require upwards of eight years to construct them. Massachusetts, New York and perhaps Pennsylvania are the only States in the union which have within their bounds as many

miles of railroad, as we have resolved at the extra session to commence. They have built them successively in the space of twenty-five years. We have determined to do at once, what they accomplished in so great a length of time, and to do this without a quarter of their productive population. Again, a railway from our western border to the Pacific has been hitherto deemed a work so stupendous that the resources of the general government were scarce thought sufficient for its completion, and yet we have undertaken to construct roads the aggregate length of which would reach far more than half the distance from our western border to the Pacific ocean.

The State now stands pledged to loan her credit in the form of bonds to the amount of eight millions two hundred and fifty thousand dollars, this loan is to be made successively by the issue of them in sums of fifty thousand dollars, as rapidly as like amounts are subscribed by individuals, towns and counties, and expended by the companies. During this process the works will be advancing and our population and productive industry will be increasing, in consequence of the new prospective facilities for trade, the great fertility of our soil and the development of our rich mineral resources. The Hannibal and St. Joseph and the Pacific roads have each large grants of land made to them by Congress, and it is probable that grants may be made hereafter, to the remainder of the roads already projected. The whole of the means I have enumerated will not suffice to construct much over one-half of these roads. The consequence will be that a future loan of the credit of the State will become necessary. This will have to be done at an early day to the North Missouri and the Iron Mountain roads if it be not the pleasure of Congress to make appropriations of land in aid of them. These are considerations which should inspire caution and prudence on our part; but when the plan of our system is thoroughly comprehended abroad, I see no reason to fear if we pause where we are, that our credit will be impaired. The progress of these works will be grad-

ual and our means of completing them are on the increase. I feel the utmost confidence that our ability to meet our liabilities will be unquestionable, provided we resolve to execute what we have already undertaken before engaging in new enterprises. I am compelled in candor to say that if other projects are set on foot the consequences in my judgment will be disastrous in the extreme. There are other considerations which should be reflected upon before we proceed further. If we multiply our projects and thereby reduce our bonds below their par value, all our hopes of a system of internal improvements are extinguished at once, and all which will have been expended by the companies prior to the issue of the bonds will be thrown away. The bills which I herewith return provide for the loan of the credit of the State to branches of the great trunks already provided for. Until the main trunks are completed the branches will be of very little value and will not yield enough to keep them in repair. Why should we hazard our credit and the prospect of constructing the main trunks, when we are assured that until they are constructed the branches will be of little or no use?

Our State is now flooded with the depreciated bank paper of other portions of the Union, free banking systems are in operation in neighboring States, and the general condition of the circulating medium indicates by infallible signs an approaching revulsion in the commercial and monetary affairs of the country. Is it not our duty as well as our interest to anticipate the catastrophe, and provide as far as we can for averting its consequences?

As the executive of the State, it is a duty incumbent upon me to consider other possible consequences to its treasury. If our projects are so multiplied as to put a stop to them before they can be completed, what will be the consequence? Supposing that each company resolves to commence its road at one of the termini and construct it continuously towards the other. I do not believe, that any of them half completed would yield enough to keep them in repair; and supposing that they divide them into

sections, and commence them all simultaneously, we shall have if they are checked, little links of isolated railway scattered over the State, which can yield nothing, because they will have no practicable commercial connections, the final consequence of all this will be the wreck of the whole system and the loss of the whole amount for which bonds have been issued. For these reasons I concur in the opinion of the Senate, as expressed near the close of the late extra session of the general assembly, by the following resolution:

“Resolved, That in the opinion of the Senate it is inexpedient at the present time to extend the credit of the State any further for railroad purposes.”

I have frankly fulfilled the duty which my conscience has assured me has been imposed upon me by my official oath. The veto power under our constitution is a suspensive, and not an absolute power. It was given to protect the rights of minorities and the safe-guards of the constitution, and to check hasty or inconsiderate legislation. I have exercised it in this instance reluctantly, because I believe that the zeal and ardor of the general assembly in one of the best causes have impelled it beyond the bounds of prudence. If I am mistaken, and if it shall yet be the opinion of a majority of the Senate and of the House of Representatives, that the bills I now return ought to be adopted, the interposition of the veto power instead of proving injurious, will be beneficial to the works projected, because they will then have in their favor a more solemn and deliberate expression of the will of the legislative department, and acquire thereby more of the public confidence at home and abroad.

I have the honor to be, gentlemen,

Very respectfully,

Your obedient servant,

TO THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1853

From the Journal of the House of Representatives, p. 388

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 25, 1853.

Gentlemen of the House of Representatives:

The bill which originated in the House of Representatives, entitled "An act to revive and amend an act entitled an act to incorporate the Canton and Bloomfield railroad company, approved February 27th, 1851, and to expedite the construction of said railroad," has been laid before me, and I have carefully, and maturely considered its provisions, and feel compelled by a sense of constitutional duty, to return the bill. The reasons which controlled my action, relative to the bills of a like character, which originated in the Senate, are also imperative upon me in reference to the bill under consideration. I therefore deem it unnecessary to repeat them at length, and content myself with transmitting a copy of that message, and requesting the House to consider it as a part of this communication.

I have the honor to be,

Very respectfully,

Your obedient servant,

STERLING PRICE.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 1855

From the Journal of the Senate, pp. 188-190

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 17, 1855.

Gentlemen of the House of Representatives:

The bill entitled, "An act to amend an act entitled, an act to incorporate the Platte Country Railroad Company, and to expedite the construction of said Railroad," which has recently passed both Houses of the General Assembly,

and presented to me for approval, has for some days, engrossed my attention. No one can be more sensibly impressed than I am, of the necessity of sustaining the system of Internal Improvement already begun in our State, and none more ready or willing to bring to its aid all the powers which can be legitimately exercised in furthering the true interests of our beloved State. In my message of January 25, 1853, I took occasion to express my views, touching the general character of railroads, and, also, the extent to which, in my judgment, they should receive the fostering care of the government (which may be seen by reference to House Journal, page 389). At that time I used the following language:—"If we keep pace with the wants of the community, and do not suffer ourselves to be precipitately tempted beyond them, we will place our prosperity upon a solid basis; if, on the other hand, we lose sight of the landmarks I have indicated, revulsion and bankruptcy are inevitable." Since the date of this message, we have been called to witness a growing depression in the monetary affairs of our country, and the result has been, seriously to retard the progress of those great measures of State policy upon which our resources and our energies have been expended. The dangers to which I then feared we were subjecting ourselves have already partially resulted.

The moneyed crisis which has affected every other interest, has, in an especial manner, reached our internal improvement system; and now, before any one of the great projects in progress has been completed, and during the prevalence of a panic, the end of which cannot now be foreseen, I submit the question, whether a proper legislative discretion would not suggest the withholding of all further State credit, for the time being, from any new objects of internal improvement. Our credit is liable to be seriously impaired by the recent failures, and consequent liquidation of the Free Banks of our sister States, which have made our bonds the basis of their moneyed operations. This fact has operated in an especial manner in causing Eastern capitalists to withhold from us their credit and

confidence by refusing to purchase our bonds at their par value. And now the greatest solicitude is being felt by the moneyed men of the East, and the most anxious inquiries are making to learn whether our policy is, to extend our credit still further, in aid of new works, or to exercise a jealous guardianship, in order that those already commenced may be successfully terminated. The timidity which we know attends the investment of large capital, demands at our hands the most serious consideration.

Scarcely one-third of the whole amount necessary to the final completion of either of the several roads now in progress and contemplation, has yet been obtained, and several of the most important and extensive trunks of our railroad are already in a good degree dormant, from an inability successfully to negotiate our bonds. The greatly increased amount, above the estimated cost of our public works, has solved the problem contained in my former message, when I expressed a belief that a "future loan of the credit of the State would become necessary." The amount necessary to complete the Central or Pacific Line of Railroad, is now found very far to exceed the estimates which were made by those who possessed the best means of information. Hence the inevitable conclusion, that an extension of our credit will be required, and which will swell our indebtedness at least as far as either prudence or discretion on our part would dictate. With that experience which we have acquired by pressing our public works forward, since the last session of the General Assembly, the following question may be more emphatically propounded now: "Is there not just cause to fear, that if we provide for issuing more bonds to new companies, our legislation may have a detrimental influence upon their value in the money markets in the East, where our real condition is imperfectly known, and our resources imperfectly appreciated?" This fear is now fully confirmed by the fact, that our legislation is looked to from that quarter with far more than ordinary interest and anxiety.

Since we meet with such formidable difficulties and

embarrassments in thus far prosecuting our system, how vastly increased must they become under our pecuniary derangements—and how inconsiderate would our action appear, if, by continued legislation, we go on to originate new works, requiring a corresponding State credit to be loaned, before even it is satisfactorily demonstrated that the great trunks themselves can be completed.

Under every view of the subject which I have been able to take, and with an earnest desire to shape my official action so as to promote the common good, I am even more strongly impressed with the correctness of my position two years ago. I, therefore, herewith return the bill, together with my objections thereto, under a conscientious discharge of my official duty.

If, in the opinion of the General Assembly, you shall determine that my views are erroneous, and that the bill returned should become a law, a majority of all the members elected to the House of Representatives, and to the Senate, will make it the law, notwithstanding my objections.

I have the honor to be,

Very respectfully,

Your obedient servant,

STERLING PRICE.

TO THE SENATE

MARCH 3, 1855

From the Journal of the Senate, pp. 363-364

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 3, 1855.

Gentlemen of the Senate:

The bill which originated in the Senate entitled, "an act to change the name of Eliot Seminary," has been laid before me, and being satisfied that the provisions of the bill are not satisfactory to those interested, and finding it to be a bill of purely a local character, I have concluded, at the request of the interested parties, to return the bill to the House in which it originated.

Very respectfully,

STERLING PRICE.

TO THE SENATE

DECEMBER 7, 1855

From the Journal of the Senate, p. 188

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 7, 1855.

To the Honorable, the Senate:

Gentlemen of the Senate—The bill which originated in the Senate, entitled, “An act to expedite the construction of the Cairo and Fulton Railroad of Missouri,” has been laid before me, and I have carefully considered its provisions; and I have been compelled, by a sense of constitutional duty, to return the bill. The reasons which controlled my action relative to the bill of a like character, which originated in the House of Representatives, entitled, “An act to incorporate the Platte Country Railroad Company,” &c., are, also, imperative upon me in reference to the bill under consideration. I, therefore, deem it unnecessary to repeat them at length, and content myself with transmitting a copy of that message, with a slight variation, and requesting the Senate to consider it as a part of this communication.

I have the honor to be,

Very respectfully,

Your obedient servant,

STERLING PRICE.

TO THE SENATE

DECEMBER 10, 1855

From the Journal of the Senate, pp. 214-221

EXECUTIVE DEPARTMENT, JEFFERSON CITY, Mo., December 10, 1855.

Gentlemen of the Senate:

An act has been placed in my hands, for my assent or dissent, which originated in the Senate, entitled, “An act to secure the completion of certain Railroads in this State,”

and which has passed both Houses of the General Assembly by the votes of a majority of all the members present. During the pendency of this bill, I watched its progress with lively interest; and since its passage, I have studied its provisions with the most anxious solicitude. The public works to which it relates, and the interests dependent upon, or interwoven with them, involve the prosperity of the State at large, and bear directly and palpably upon the welfare of each and all of our citizens. Their importance cannot be over-estimated, nor can we over-estimate the importance of so legislating respecting them, as to secure their completion consistently with the rights, the will, and the individual interests of our citizens, and the character of the State. The first inquiry naturally awakened in deliberating upon this measure, is—will it cause the completion of the roads? And the next is—will it secure their completion, consistently with our duties to the people and their interests? In both aspects, I have given it the maturest and most careful consideration, and I regret to be compelled, by a sense of duty, to say, that in neither respect will it, in my judgment, effect the end designed. I, therefore, in obedience to the Constitution, return it to you, with the objections which have governed my conduct.

In the Message, which I had the honor to lay before the General Assembly, on the 5th ult., I said:—"It is my opinion that four considerations should be kept steadily in view, in all our legislation hereafter, respecting these roads—*'good faith to the bond-holders—good faith to the people of Missouri—the security of the State Treasury, and the completion of the roads.'*" In my judgment, the bill presented to me does not fulfill any of these conditions; and unless they are fulfilled, I have no confidence that any legislation will preserve our credit—give satisfaction to the people—save the treasury from insolvency, or complete the railroads.

The specific security to the present bond-holders, held by the State in trust for them, in the form of a first mortgage, will not, perhaps be materially affected by the measure

under consideration, but the extension of the same security in favor of future purchasers of bonds, the amount of the bonds contemplated, and the terms and conditions of their issue, together with the provisions for the payment of interest and principal, are calculated to awaken well-founded apprehensions, that the State itself will not be able to meet the contingency of a failure of the roads to discharge the liabilities already incurred. In point of fact, I presume no one doubts that the ultimate security of the present bond-holders would not be as certain, after the enactment of this bill, as it is now. To this extent, therefore, the act is not consistent with good faith; and our character, as a State, should be above reproach, or even suspicion.

At the time the present railroad system was adopted, and from that time until nearly the commencement of the present session, the people have received continued and confident assurances of its success. It has been lauded, and, in my opinion, justly, as the wisest combination ever adopted in this country, between public credit and private enterprise. In some of its details it was, of course, defective, but in its essential features it was prudent, safe, sound and efficient. Experience has abundantly sanctioned its wisdom, and evinced the sagacity of its founders. The people have been satisfied with it, because they anticipated important advantages from it, to be reaped without burthensome taxation or danger to the public credit. The approval of the bill under consideration, would bring upon the people, without first consulting them, burthens and hazards which they have never anticipated. There is no legislative power so strictly guarded by the Constitution, or so jealously watched by the people, as that of taxation. Any exercise of it, therefore, without their concurrence, so seriously affecting their pecuniary condition and prospects, would not, in my opinion, be consistent with the pledged faith which our relations to them necessarily implies, and could not be relied upon by capitalists as likely to be permanent. The evils temporarily resulting from a failure to approve this bill are far less than those which will surely ensue upon

its approval. If nothing can be devised at the present session essentially in harmony with the present system, and, therefore, certainly acceptable to our constituents, I think a direct appeal to them preferable to the contracting of grave and serious obligations which they, and not we, are to fulfill.

The amounts for which the State has already provided to become responsible, by its bonds, for the benefit of each of these roads, are as follows, viz.:

To the Pacific Railroad Company, main trunk to Kansas.....	\$3,000,000
To the Pacific Railroad Company, South-west Branch.....	1,000,000
To the Hannibal and St. Joseph Railroad Com- pany.....	1,500,000
To the St. Louis and Iron Mountain Railroad Company.....	1,500,000
To the North Missouri Railroad Company.....	2,000,000
Total.....	<hr/> \$9,000,000

And under, by virtue of, and in pursuance of acts of Assembly, I have caused to be issued and delivered to the Railroad Companies the following amounts in State bonds, viz.:

To the Pacific Railroad Company, main trunk to Kansas.....	\$3,000,000
To the North Missouri Railroad Company.....	600,000
To the Hannibal and St. Joseph Railroad Com- pany.....	670,000
To the Iron Mountain Railroad Company.....	400,000
Total.....	<hr/> \$4,670,000

The Pacific Railroad Company has made no application for any portion of the bonds authorized to be issued in aid of the construction of the South-western Branch.

These amounts have been, or are to be, loaned in bonds, upon production of proof to me that each of the Companies has obtained by subscription, or otherwise, and actually

expended in the construction of the roads, sums of an equal amount. The bill now before me proposes to issue the bonds of the State to each of these roads for the following amounts, viz.:

To the Pacific Railroad Company.....	\$2,000,000
To the Hannibal and St. Joseph Railroad.....	1,500,000
To the North Missouri Railroad.....	2,000,000
To the Iron Mountain Railroad.....	1,500,000

Making an aggregate of.....\$7,000,000

This will make the total indebtedness of the State, in the shape of bonds, \$16,000,000. The last-mentioned \$7,000,000 in bonds are to be issued as fast as the companies make proof that they have raised from private subscription, or otherwise, and expended in construction, *one-half that amount*. This is a material and extraordinary departure from the original system.

The million heretofore appropriated to the South-west Branch of the Pacific Road is transferred, by this bill, to the main trunk to Kansas, in addition to the two millions proposed to be loaned to that road. The bill, in addition to all these amounts, proposes to authorize the Pacific Railroad Company to mortgage the lands appropriated by Congress—about 1,200,000 acres—to enable them to construct the South-west Branch; the mortgage to be for a sum not exceeding \$10,000,000. Of this sum, the State is to *guarantee* the payment of three millions to be expended in the construction of the first section, from Franklin to a point twenty-five miles west of the junction of little Piney with Gasconade river. The whole amount for which the State will become responsible, if this bill is adopted, will be—in bonds, \$16,000,000, and in the guarantee above mentioned, \$3,000,000, making an aggregate of \$19,000,000.

Now, let us inquire, what security is provided for the State in this bill for the \$19,000,000, for which she is to become responsible, and the interest thereon; and, what is

likely to be the final result? The only security is a lien, or mortgage, upon the roads themselves. The words, lien or mortgage, are used in this bill as if they were synonymous, whereas, they are very different things, and give to the holders of State bonds very different legal rights and remedies. But, supposing the act be construed in favor of the State (for which precedents afford no warrant), and the word mortgage be adopted by the courts, what will our security amount to? Only, to sell the roads in open market, during their progress, or after their completion; and, when sold, what will they bring? If sold before completion, it can only be a sale of cuts and fills, for we may be assured, that these companies do not intend to complete any segment of a road, until they are in a condition to complete the whole. Their policy will be, as it has been, to scatter their resources along the whole line, so that if at any time they fail to fulfill their obligations, they can show conclusively that a foreclosure of the mortgage would only result in ruining the prospects of the roads, without a possibility of reimbursing to the State the sums she has become responsible for. They would feel very sure (as they undoubtedly may), that instead of foreclosing the mortgage, they are in a condition to *compel* the State to resort to other shifts and expedients. A sale, therefore, under the mortgage, before the completion of the roads, is absurd, and could not be made, because they would bring comparatively nothing. None of the roads will ever be in a better condition to foreclose the mortgage upon, during the process of construction, than the Pacific road, now nearly completed to Jefferson City, simply because it is completed (or nearly so) from the commercial to the political capital of the State. If the mortgage were foreclosed now, and the road exposed to sale, would it bring one-half its actual cost? Would it pay the \$3,000,000, for which the State is liable, and the interest now due? All will admit it would not; and yet we are assured, that a mere succession of cuts and fills upon other roads are abundant security for the State. Instead, therefore, of a foreclosure of the mortgage, during the process of

construction of any of these roads, we may anticipate that, when the contingency happens in which they are liable to sale, it will be argued that the State is already involved in the system, and cannot help itself otherwise than by involving itself still further, for its completion. This is the argument used now, in reference to the main trunk of the Pacific Road. It is the argument which induces the gamester to hazard his all, in the vain hope of recovering a comparatively small amount already lost. But the people of this State are not gamesters in spirit. They are guided by common sense, and look to honest industry and intelligence, rather than to chance, to rescue them from difficulties. Under the laws, as they exist, the State is responsible for one-half of the cost of these roads, so far as they can be constructed by virtue of them. The present bill renders her responsible for two-thirds of the cost, which may be increased in the future. Even under the existing laws, we have seen that the State cannot enforce its lien without serious loss. How can it be anticipated, then, that a like lien will be sufficient security for an increased ration of expenditure? The only defects of the system, as it exists, in my opinion, are—that the roads are not divided into sections, and the Companies required to complete them consecutively, so that the State could so enforce its lien, at any time, as to secure the completion of all it is responsible for, and that there is no provision reserving a lien upon the lands of the two Companies which own lands. As remarked in my former message, I believe the State may safely become responsible for one-half the cost of the roads, if divided into sections, as suggested, but I do not believe she can safely become responsible in any greater amount. The Pacific Railroad to Jefferson City has afforded evidence that, in that instance, we have not safely become responsible for even one-half; yet, it may be necessary to make an additional loan of State credit, to complete the road to this place.

There is no fear, however, that the Companies will fail to pay the interest accruing upon the State bonds, and

hereby expose themselves to a foreclosure of the mortgage, until all the bonds are issued. They will continue, as they have done, to appropriate a portion of the money arising from their sale, to the payment of the interest.

Until the expiration of twenty years, we shall have, by taxation, a sum ranging between \$500,000 and \$1,000,000, and then raise, in addition, the sum of \$9,000,000 the amount of twenty-year bonds; and from that time, until the end of the next ten years, we shall have to raise the sum of \$490,900 to pay interest; and at the close of that period, the sum of \$7,000,000, the amount of the thirty-year bonds. These are not mere estimates of expenditure. They are certain and fixed amounts, for the payment of which the character of the State is to be pledged. They may be looked for with as much certainty as the rising and setting of the sun, if the roads are not completed by the issue of the last bonds. If they are completed, let us see how much our responsibilities are likely to be decreased.

Our position will be this, the interest of the debt will of course, cease to be paid by the Companies, because the last bond will have been expended, and the State has no other source to derive it from legally. We shall then have to make up our minds to sell the roads, or provide for the payment of this interest. If we sell the roads, they will not produce enough to meet our bond engagements, because they will be yielding nothing, or, if they are purchased because of their supposed prospective value, they will sell for a sum less than the amount for which the State is involved. But the sale of them will not enable us to discharge the debts, because they are not due. All, therefore, that we can do with the moneys arising from the sale, will be to appropriate it to the payment of interest as it accrues. By doing this, we can escape increased taxation for a brief period. We cannot, however, hope to escape in this way for thirty years. The proceeds of the sale will be exhausted long before the expiration of that period. The whole revenues of the State now are only about \$440,000. For several years, then, previous to the maturity of our

bonds, our taxes must be doubled to keep down the interest. But what are we to do when the bonds are matured, and payment is demanded? It is palpable as the sun at noon, that we cannot liquidate them. It is no reply to this, to say that we must not wait until the bonds are matured. Adopt any system we may, the amount must be raised in some form, during, or at the close of the period. Nor are we released by resolving not to sell the roads, but to await until the net proceeds of their earnings will enable the Companies to pay into the sinking fund the back interest and the principal of the bonds. There is no likelihood that the roads will yield much net profit prior to the maturity of the bonds. There is nothing in the experience of other railroads to warrant such an anticipation. Besides, it is irrational to compare our roads with others, because of the immense difference of cost. We have to pay three times as much for construction as the State of Illinois, because of the nature of the ground, and because our lands will be sold at least ten per cent. below their par value, if they can be sold at all. Until, then, the roads do pay a net profit, our taxes must be doubled at least. No one can believe they will pay, in any event, enough of net profit, before the bonds mature, to liquidate them. But, when they do mature they must be paid, or our character must be forfeited. How are we to do it? It cannot be done by quadrupling the taxes now, and keeping them quadrupled until the bonds are due. Even a seven-fold increase of taxes will not accomplish the object. The bill under consideration is tantamount to a proposition to bankrupt the treasury, and blast the character of our State.

When the State assumes to be responsible for one-half the cost of construction, it is as far, I think, as she can go with any degree of safety. She cannot do this much with impunity, in all cases, as is already evinced in the instance of the road to Jefferson City. She cannot, as I intimated, be safely responsible for one-half, unless the roads are divided into sections and required to be completed consecutively. To become responsible for *two-thirds* of the cost

of construction, and then leave the Companies at liberty to scatter their resources along the whole of the lines, and complete no section of the road, is to legislate away our money, our credit, and our character. Moreover, I do not believe there is any plausible reason for so great an increase of our responsibilities. The system already adopted, will, in my opinion, secure the completion of the roads, and save the credit of the State.

During the first session of the present General Assembly, a committee was appointed to examine into and report upon the condition of the roads. That report is now before me.

I have given it a careful examination and consideration, and it has confirmed all my impressions. I extract from it enough for the purpose I have in view. The Committee gives the estimates of cost and resources, as prepared for them by the officers of the road, after all the experience they have had. I presume they are as nearly correct as we are likely to have them in future. Let us see what they are, in relation to each of the roads.

The present estimated cost of the Pacific Road to Kansas, with rolling stock and equipments complete, is \$10,300,000. The State has already become responsible for \$3,000,000 of this sum. Over six millions will have been expended when it is completed to Jefferson City. That portion of it, when completed, will not yield enough of net proceeds to keep down the accruing interest. How, then, can it be argued that another advance of State credit, of double proportional amount, will be safe? If completed with the bonds proposed to be issued in the bill, the State will then have advanced \$6,000,000, and this sum was the whole estimated cost of the road, when the present system was adopted. The interest on the \$3,000,000 already advanced, and on the \$1,000,000 proposed to be transferred from the South-West Branch, at six per cent., and the additional two millions given by the bill, at seven per cent., will be \$320,000 per annum. Will the road, admitting it to be completed, pay this sum over and above necessary expenses and repairs? I do not believe it will. Nor do I

believe it can be completed on the terms proposed. After deducting the accruing interest from the amount for which the bonds are sold, there is no likelihood of a sum sufficient remaining to complete the road. What, then? I shall be asked. Is the road to be abandoned? In reply, I say unhesitatingly, if the real question is to be, whether the people are to be taxed to complete the road, or the latter is to be stopped, for the present, at Jefferson City, the last alternate is preferable. The people did not go into this scheme, expecting to be taxed—they have given no indication since, of their willingness to bear this additional burthen—and until they do, I shall set my face against any plans, the necessary results of which are to be an increase of taxes. It is our plain duty to keep faith with them, and a still plainer duty, when their burthens are to be increased, to do it without disguise or circumlocution.

The South-western Branch of the Pacific Road is, according to the Committee, in the following condition: The lands granted by Congress are appropriated by act of Assembly to it exclusively. The whole number of acres is about one million one hundred and sixty thousand. Of this quantity, two-thirds lie within six miles of the road as located. In addition to these lands, \$369,400 have already been subscribed by the counties along the line and by individuals; and the Contractors have agreed to subscribe \$100,000 more. There is no reason to believe that further subscriptions will be refused. In addition to all these resources, the laws, as they stand, authorize the issue of \$1,000,000 of State bonds, to aid in its construction. I think we may set the lands down as of the value of \$6 per acre. This will amount to the sum of \$5,800,000. The Committee give the estimate of cost, for the whole road, to the State line, at \$9,900,000. The aggregate resources, if the Company avails itself of the State bonds provided for, will be \$7,269,400. If the Company is required to complete the road, section by section, as it should be, there is no need of more resources at present, much less is there any need of involving the people in serious liabilities without consulting

them. Nor can I see why the road should be entirely completed to the State line at present.

The estimated cost of the construction of the Hannibal and St. Joseph Railroad, as furnished by the Committee, and including rolling stock and equipments, and everything needful to complete the road, and put it in the best possible running condition, is \$6,628,700. To meet this expenditure, the Company has the following resources: *First*, over 600,000 acres of land, valued by the Committee at \$10 per acre, making the sum of upwards of \$6,000,000; *Second*, a loan of State bonds under existing acts, to the amount of \$1,500,000; and, *Third*, county and individual subscriptions to the amount of \$1,097,500, making an aggregate of \$8,597,500. Can it be said, that this road is in so bad a condition that it must stop, without immediate additional aid from the State? Can it be said, that new and untried experiments must be resorted to, in preference to appealing to the people?

The estimated cost of the North Missouri road, as given to the Committee, is as follows:

St. Louis to St. Charles.....	\$ 784,693
St. Charles to junction of Hannibal and St. Joseph Road.....	4,144,102
From Hannibal and St. Joseph Road to State line.....	<u>3,178,551</u>

Cost of whole road.....\$8,107,326

The resources of the Company are, at present two millions of State bonds already provided for, and individual and county subscriptions to the amount of \$2,146,100, making an aggregate of \$4,146,100. This sum, with very little additional State aid, if judiciously managed, ought to complete the road to the junction with the Hannibal and St. Joseph Road, and that is as much as there is any real need to do at this time. There is no excuse for such haste; let the people have time to think; and let those who are capable, have time to investigate and suggest appropriate legislative action.

The estimated cost of the Iron Mountain Road, including road-bed, rails, depots, machine shops, rolling stock and equipments, office expenses, fencing, land damages, bridges, and interest on securities, is \$4,088,976. The resources are—in individual subscriptions, \$368,300; in city and county subscriptions, \$1,125,000; and in State credit already granted, \$1,500,000; making an aggregate of \$2,993,300. This road has less resources than any of the others, save the main trunk of the Pacific; yet, there is nothing in its condition to create present alarm.

In considering the whole subject, we must, also, bear in mind, that as the original estimates of cost were underrated to induce the State to enter into the system, so the present estimates are exaggerated to induce the State to make a radical change in it, and assume deeper and graver responsibilities. There are other objections to the details of this bill, but a discussion of them is unnecessary. I know full well the responsibility I am assuming; and conscious, as I am, of being animated only by a sincere desire to perform my duty, I have never had occasion to meet responsibility which I have assumed so cheerfully, or with so confident a reliance upon the intelligence and justice of the people.

I have the honor to be, Gentlemen,

With profound respect,

Your obedient servant,

STERLING PRICE.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 1855

From the Journal of the House of Representatives, p. 304

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., December
11, 1855.

Gentlemen of the House of Representatives:

I have before me two bills which originated in the House of Representatives, and which have passed both

Houses of the General Assembly, viz:—An act to expedite the completion of the Weston and Randolph Railroad; and an act to amend an act entitled, “An act to incorporate the Platte County Railroad Company, and to expedite the construction of said railroad.” I have carefully and maturely considered the provisions of these bills, and feel constrained, by a sense of duty, to return the bills to the House in which they originated. I cannot bring my mind to the conclusion, that it is possible for the present General Assembly to now foresee what objects of internal improvement will be most worthy of the fostering care of the State, upon the completion of the works already in course of construction; nor is it possible for us now to know what may then be the condition of the State, or whether it would be advisable to extend our aid to any new objects of internal improvements. The reasons that have controlled my action relative to extending our credit to new objects of internal improvement of this session of the General Assembly, have been so fully made known on former occasions that I deem it unnecessary to repeat them at length.

I have the honor to be, very respectfully,

Your ob’t servant,

STERLING PRICE.

SPECIAL MESSAGES

TO THE SENATE

JANUARY 30, 1855

From the Journal of the Senate, pp. 148-149

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., January
30, 1855.*To the Honorable, the Senate:*

Gentlemen—I hereby nominate Charles Hardin, Thomas B. Harris and Joseph Flood, of Callaway county, as members of the Board of Managers, of the State Lunatic Asylum, for four years from the first day of February next, and I respectfully ask the advice and consent of the Senate to their nomination.

Very respectfully,

STERLING PRICE.

TO THE SENATE

MARCH 1, 1855

From the Journal of the Senate, p. 341

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., March 1, 1855.

To the Honorable, the Senate:

Gentlemen—I hereby nominate W. H. Bailey and A. J. Moore, of Callaway county, to be Commissioners for the Asylum of the Deaf and Dumb, for the next four years;

And I also nominate Charles Bailey, to be a Commissioner to fill a vacancy occasioned by the resignation of Wm. J. Henderson.

I have the honor to be,

Very respectfully,

STERLING PRICE.

TO THE SENATE.

MARCH 5, 1855

From the Journal of the Senate, p. 388

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., March 5, 1855.

To the Honorable, the Senate:

Gentlemen—In compliance with the provisions of section “seven” of “An act to aid the construction of the Pacific Railroad,” approved March 3d, 1855; and section two of “An act to aid the construction of the St. Louis and Iron Mountain Railroad,” approved March 3d, 1855,

I hereby nominate for the approval of the Senate, the following named gentlemen, to constitute a Board of Public Works, viz: The Honorable Thomas L. Anderson, of Marion county; the Honorable Claibourn F. Jackson, of Saline county; the Honorable Aylett H. Bucker, of St. Louis county.

Very respectfully,
STERLING PRICE.

TO THE SENATE AND THE HOUSE OF
REPRESENTATIVES

NOVEMBER 5, 1855

From the Journal of the Senate, pp. 8-18

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., November 5, 1855.

Gentlemen of the Senate and of the House of Representatives:

The condition and prospects of the several railroads, the construction of which have been undertaken by incorporated companies, aided by the credit of the State, has in a considerable degree, excited the attention of the people, during the recess of the General Assembly. I deem it my duty, under the Constitution, to call your special attention to the subject, and invoke such deliberation and action thereon, as in your judgment may be required to

promote, protect and advance the interest of the State, consistently with the observance of good faith to our creditors, and to the people, whose agents we are.

By an act approved the 22d day of February, 1851, it is provided that "when the Pacific Railroad Company shall produce to the Governor of the State satisfactory evidence, by the affidavit of the Treasurer and two of the Directors of said company, that the sum of fifty thousand dollars, collected on the capital stock of said company, has been expended by them in the survey, location and construction of their railroad, he shall cause to be issued and delivered to said company, as a loan of the public credit, special bonds of the State to the amount of fifty thousand dollars, bearing an interest of six per cent. per annum, from the time they are negotiated in the hands of the holder, payable semi-annually; and after the expenditure of the whole of said sum of fifty thousand dollars realized from the sale of said bonds, whenever said company shall produce like proof to the Governor, that they have expended the further sum of fifty thousand dollars of their own moneys, collected on their capital, in the actual construction of said railroad, the Governor shall in like manner cause to be issued and delivered to said company, further like bonds to the amount of fifty thousand dollars; and in like manner, as often as said company shall, from time to time, furnish evidence of having expended from their own moneys, collected on their capital stock, further sums of not less than fifty thousand dollars each, in the construction of their road, and that they have also expended the whole proceeds of the sales of the bonds previously issued by the State, in the construction of their said railroad, the Governor shall cause to be issued and delivered to said company, further like bonds to the amount of fifty thousand dollars each time; provided, the total amount of State bonds to be issued and loaned to the said company shall not exceed two millions of dollars; provided, that no part of the said bonds shall be delivered to the said company until at least one million and a half of dollars have been subscribed in good faith to the capital

stock of the said company, and satisfactory proof thereof has been made to the Governor."

The second section of said act of the General Assembly also provides, in like manner, and upon the same terms and conditions, for a loan of the public credit to the "Hannibal and St. Joseph Railroad Company," to the amount of one and a half million of dollars, upon the production of satisfactory proof to the Governor, that at least five hundred thousand dollars in money, or its equivalent, has been subscribed in good faith to the capital stock of said company. By an act of the General Assembly, approved the 23d day of December, 1852, it is provided that, in like manner, and upon the same terms and conditions, a loan of the public credit shall be made to the "North Missouri Railroad Company," to the amount of two millions of dollars, upon the production of satisfactory proof to the Governor, that at least one million of dollars has been subscribed in good faith to the capital stock of said company.

By an act approved the 25th of December, 1852, it is provided that, in like manner, and upon the same terms and conditions, a loan of the public credit shall be made to the Southwestern Branch of the Pacific Railroad, to the amount of one million of dollars, upon the production of satisfactory proof to the Governor, that at least five hundred thousand dollars have been subscribed, in good faith, to the capital stock of the Pacific Railroad Company. The 11th section of the same act provides, that an additional loan shall be made to the Pacific Railroad to Kansas, upon the same terms, conditions and liabilities of the first loan made to said road; "provided, that the total amount of the State bonds to be issued to said company, under this section, shall not exceed one million of dollars, and the said company shall complete the said line to its terminus in Jackson county, and put the same in operation within five years after the passage of this act." And by an act of the General Assembly, approved the 23d of February, 1853, it is provided, in substance, that, in like manner, and upon the same terms and conditions, a loan of the public credit shall be

made to the St. Louis and Iron Mountain Railroad Company, to the amount of seven hundred and fifty thousand dollars, upon the production of satisfactory proof to the Governor, that at least three hundred thousand dollars have been subscribed, in good faith, to the capital stock of the said company.

By an act approved March 3d, 1855, a further loan of the public credit was authorized to the Pacific Railroad, to the amount of three hundred thousand dollars, upon the same terms and conditions as theretofore provided, and upon the further condition that the State credit, thus loaned, shall be applied to the surveying, locating, constructing and equipping said road, west of Jefferson City; and that the amount thereby appropriated, when added to the bonds of the State already disposed of to the credit of the company, shall not exceed the amount of county, city and personal subscriptions expended on the road. This act was not to take effect, unless the company should, within six months after its passage, accept it. By another act, approved on the same day, it is provided that another loan of the public credit shall be made to the St. Louis and Iron Mountain Railroad Company, to the amount of seven hundred and fifty thousand dollars, upon the same terms, conditions and restrictions as prescribed in former acts, upon condition that all the clauses of the act shall, within six months from its passage, be accepted by the company.

By the act of the 10th of February, 1855, a loan from the treasury of the State was authorized, to the amount of two hundred thousand dollars, to the Pacific Railroad Company; provided, that before receiving the money, the company should deposit with the Treasurer bonds of the State for a like amount, one-half thereof to be redeemed in four, and the other half in six months, from the passage of the act, with six per cent. interest upon the money. The second section of said act provided, that when either of the railroad companies shall produce satisfactory proof to the Governor of the total amount of money they have derived from *bona fide* stock subscriptions, or from other

sources, without giving any lien therefor, and that said amount of money has been applied in good faith to the surveying, locating, constructing and equipping of their several roads, the Governor shall cause to be issued and delivered to the company, or companies, so making proof, State bonds bearing six per cent. interest, to an amount that, together with the amount of the bonds issued theretofore, shall be equal to the amount so proved by said company, or companies; provided, that the whole amount, thus issued, shall not exceed the sums for which the credit of the State has already been granted. The act further provides, that the prior lien of the State shall be held good, and that the companies shall be authorized to dispose of the bonds, *at their real market value*. This act modifies preceding legislation in three particulars: in authorizing the issue of bonds for a less amount than fifty thousand dollars; in authorizing their issue upon proof of resources, others than those derived from subscriptions; and in authorizing a sale of the bonds at their market value.

The provisions of the several acts granting State credit, also require that a copy of them shall be attached to, and accompany the bonds to be issued; that the companies shall provide for the payment of the interest on them semi-annually, and for their final redemption, at the end of twenty years; and in case of their failure to do so, that the Governor shall proceed to advertise and sell the roads of the defaulting company to the highest bidder, or to purchase the same for the use and benefit of the State, subject to such disposition as the Legislature may thereafter direct.

This is a summary of so much of the acts of the General Assembly as relates to the amounts of the public credit loaned to the roads, the terms and conditions of the loan, and the remedy reserved to the State, when the companies fail to fulfill their obligations.

The whole amount provided to be loaned to each of the companies, upon a fulfillment, on their part, of the conditions precedent, is as follows, viz:—

To the Pacific Railroad Company, main trunk to Kansas.....	\$3,000,000
To the Pacific Railroad Company, southwestern branch.....	1,000,000
To the Hannibal and St. Joseph Railroad Company.....	1,500,000
To the St. Louis and Iron Mountain Railroad Company.....	1,500,000
To the North Missouri Railroad Company ...	2,000,000
<hr/>	
Total	\$9,000,000

And under, by virtue of, and in pursuance of the acts of Assembly I have enumerated, I have caused to be issued and delivered to the railroad companies, the following amounts in State bonds, viz.:—

To the Pacific Railroad Company, main trunk to Kansas.....	\$3,000,000
To the North Missouri Railroad Company.....	600,000
To the Hannibal and St. Joseph Railroad Company.....	580,000
To the Iron Mountain Railroad Company.....	400,000
<hr/>	
Total.....	\$4,580,000

The Pacific Railroad Company has made no application for any portion of the bonds authorized to be issued in aid of the construction of the Southwestern branch.

In order to appreciate the present condition of things, in regard to our railroad system, it will be necessary that we should take a rapid retrospective view of the circumstances in which it originated, the representations made at the time, and the sentiments of the people. We all remember what then transpired. The advocates of the roads diligently and vehemently argued, that an extension of the State credit, upon the terms proposed, would be as effectual in the accomplishment of the object as an actual advance of moneys, or a subscription of stock. They entertained no doubts, and would entertain none, of the entire success of

the experiment. They gave the General Assembly and the people all the assurances in their power, that the roads could be commenced and completed without difficulty, if the system indicated should be adopted. There was no one in the State, either in or out of the General Assembly, who was not satisfied of the fact, that the people were predetermined not to connect the State with any scheme of public improvement, which might result in an increase of taxes, and a charge upon the public treasury. They were, as all reflecting people are, in favor of public improvements. They had all seen and deliberated enough to comprehend their value and importance; but they had, also, witnessed enough in the legislation of other States, to satisfy them that such works could not be economically or beneficially constructed by means of taxation. In this resolution not to incur a State pecuniary responsibility, they were inflexible. Short of that, however, they were willing to do anything which could be accomplished by legislative action, to encourage these important undertakings.

It was in this tone and temper of the public mind, that the system was originally adopted. Entire security to the State in the advance of its credit, was well understood to be the only basis upon which the public credit could be procured. It was represented and believed, that if the roads were constructed, one-half by private subscription, and the other half by the loan of the public credit, with the power of sale reserved to the State, in case the companies should fail to meet the interest or principal on the State bonds, it was not possible any losses could be sustained. It was argued that, although the roads might not be completed, the portions which would be constructed, whether great or small, would yield, certainly, dividends exceeding the interest upon the bonds issued. Hence it was, that the General Assembly originally required an absolute expenditure of a sum certain, of the subscription of private stock, before State bonds of a like amount should be issued. These convictions of the General Assembly were fortified by the estimates of cost made by the friends of the roads.

It was under these circumstances, with, as was believed, a thorough knowledge, on the part of the General Assembly and the people, of the importance of the roads, the security of the State in the loan of its credit, and the probable cost of them, that the system was adopted. It is now four years and eight months since it was inaugurated. How has it realized the hopes of its founders? A very brief experience sufficed to prove that the estimates of cost were far below what they should have been. It has been found necessary to extend more State credit to all of them, save one; and we are now told that the whole system is inadequate to the completion of the roads, and that we must make a radical change. The bills in which the system originated met my approbation. I felt an anxious desire to see our State traversed by the best facilities for internal communication. I was willing to go as far as I could, consistently with the safety of the public treasury, in giving encouragement to works of such vast importance. I have, as yet, seen no reason to repent of my course. If it has failed to fulfill entirely the hopes of the people, it has not been the fault of the General Assembly, but of those who under-estimated the cost of the roads, and in whose capacity, integrity and experience, the General Assembly necessarily reposed confidence. But it is now assumed, that the roads cannot be completed without further State aid, and that aid given in a form conflicting with the system now in force. Time and circumstances have, in some degree, changed the obligations of the State. A portion of the bonds have been already issued and delivered and disposed of. It is my opinion, that four considerations should be kept steadily in view, in all our legislation hereafter, respecting these roads: *good faith to the bond-holders; good faith to the people of Missouri; the security of the State treasury, and the completion of the roads.* These considerations were present to the minds of the members of the General Assembly, in the inception of the railroad system. The character of the State is of infinitely more importance than any measure of internal

policy can be; and nothing, I feel assured, can be done by the representatives of the people to tarnish it.

Proceeding upon the assumption, that the roads cannot be completed without legislation inconsistent with former acts of the General Assembly, various schemes have been broached and discussed through the press and otherwise. I have not space, nor would it be profitable, to comment upon them all. I shall confine my attention to the one which has been the most prominent, which is most plausible, and which has been placed before the public in a semi-official form, by the Presidents of three of the roads. This scheme is, that the State shall release its first lien upon the roads; that the companies shall be authorized to issue their own bonds; that, as security for their redemption, they shall give the purchasers a first lien; that with the proceeds of their bonds, the companies shall set apart a fund for the payment of the interest upon the State bonds, and proceed to complete the roads; that, after their completion, a sinking fund shall be set apart from their earnings for the redemption of the State bonds. Now, all this looks fair and feasible upon the surface, but how will it bear investigation?

The first question which arises is, can the lien of the State be removed, so as to preclude those who have already purchased bonds, from asserting their rights to the benefits of the security? This question assumes three aspects: *First*, If the lien is removed by act of Assembly, can the present bond-holders claim the benefit of it (practically) in a court of law? *Second*, Can they claim it in a court of equity? and, *Third*, Admitting that they will be remediless in law and equity, is it consistent with good faith, and the character of our State, to release the lien? As a question of law, merely, I presume there is some doubt. The bonds are given by the State to each of the companies. They are payable to the order of the companies. They are, therefore, endorsed by the Presidents or other authorized officer, and that endorsement is the act of the companies. If the bonds were given by individuals, and endorsed by individuals I imagine there is no doubt the endorser would be liable

after the legal remedies against the principal had been exhausted. The State, under the Constitution, cannot be sued. The bonds are, therefore, issued by a party who is not legally liable. This is known to the endorser when the endorsement is made. Does not the knowledge of this fact render him liable to the bond-holder? I think it does so, clearly.

But, in a court of equity, the case of the bond-holder is still stronger. The acts loaning the State credit, and requiring the issue of bonds to the companies, make it my duty to append to them the act, or acts, by virtue of which they are issued. If it was only designed to pledge the faith of the State for the redemption of the bonds, why was I required to have the acts of Assembly appended? As a pledge of the public faith, would they not have been just as good without any reference to, or appending of, the acts of Assembly? If it was not the purpose of the General Assembly, that the lien reserved to the State should enure to the benefit of the purchasers of the bonds, that body has certainly so legislated as to justify the inference. I speak of the acts and the bonds as they read. I do not profess to be profoundly versed in legal science; but my decided impression is, that this lien can be enforced in a court of equity, in favor of the bond-holders. As a question of public faith, I apprehend there can be but little difference of opinion among those who are cognizant of the history of our railroad legislation. It was argued, in and out of the General Assembly, that the naked State bonds would not be current in the East, because our State was new and inexperienced in public works. It was urged, that with such bonds the companies could not raise the moneys, because there was not, in the East, entire confidence that the people were aware of the extent of the responsibility they were assuming, and hence might throw obstacles in the way of their redemption. It was insisted that confidence would be reposed in the roads themselves, as ultimate security, and that the soundest policy to insure success, was by fortifying the pledge of the public faith with such an additional and specific security.

The system was adopted under the influence of such views and considerations. It was so understood by the purchasers of the bonds, by the General Assembly, and by the people. No one imagined that the lien was to be enforced for any other purpose than to liquidate these bond liabilities. In view of all these facts, I am of opinion, that any attempt to release the lien, so far as it stands as a security to the present bondholders, would be such a violation of pledged faith as would essentially degrade our character and impair our credit. Upon the supposition, then, that no attempt shall be made to release the lien, so far as it effects present bondholders, what can we accomplish by releasing it in respect to bonds to be issued in future by the companies? The scheme proposes that the State shall issue no more bonds, but that the companies shall, and mortgage the roads as security. The companies then go into the eastern market. What security can they offer now? and what, when the lien is released? Under the present system they can offer the pledged faith of the State, and a first lien upon the roads. Under the scheme proposed, they can only offer a second lien upon the roads. Does it require much reflection to decide which is preferable? But the advocates of the scheme may argue, that the second bond-purchasers will find it their interest to purchase out the first bond-holders. Suppose they do, they will then have only the roads as security, whereas, as the loan now stands, they have the public faith and the roads both pledged to them.

But, assuming that I am mistaken in my views of the rights of the present bond-holders, and the powers and duties of the General Assembly, and that the lien can be and is released in full, let us see how the State is to be reimbursed the sum for which her bonds are issued, and authorized to be issued. The bonds of the companies are to be issued and disposed of for a sum sufficient to complete and equip the roads, and the purchasers are to have a first mortgage upon the roads after they are completed. The new scheme, then, proceeds upon the supposition that the roads will earn enough, over and above the necessary repairs,

&c., to pay, first, the interest upon the additional sums borrowed by the companies; third, the interest upon the State bonds; and, fourth, the principal of the bonds.

The Pacific road to Kansas has already cost more than six millions of dollars. There can be but little doubt, it will cost a like sum to carry it to the western border. The State has already issued bonds for three millions of dollars to aid in its construction, and that has already been expended. The interest upon that sum is one hundred and eighty thousand dollars per annum. The earnings of the road do not and will not pay that amount. These earnings, it must be admitted, will be greater when the road is completed; but, how much? Enough to pay for construction, and reimburse the State? Let us see. Six millions more must be borrowed to complete it. The interest upon this amount—\$360,000—must be paid before any of the interest due upon the State bonds can be paid. Will the road pay it? I cannot believe it will. But suppose it can pay that, and \$180,000 in addition upon the State bonds already issued. This will be \$540,000. What prospect will there be, that over and above all this, it can redeem the principal of the new debts of the companies, and then the State bonds? None. But I have no idea that the interest can be paid on the sum it is proposed to borrow, by a new mortgage of the road, much less the principal of the debt. If the bonds of the company run twenty years, the road must, according to the plan proposed, yield \$540,000 of annual interest, and \$6,000,000 besides, to relieve it from liability to the bondholders of the company; and \$3,000,000, to relieve it from liability to the bondholders of the State. Those who imagine it, cannot have estimated the value of the articles to be transported upon it. All the products now borne to market on the bosom of the Missouri, do not pay freightage enough to amount, in the aggregate, to the sum of \$1,500,000. This great stream—the largest and longest upon the continent, and draining with its tributaries a region of unrivalled fertility and extent, does not now yield as much for transportation, as these sanguine projectors suppose

will be yielded by a road running parallel with it, and getting no business from its north bank, and rivalling it besides, must yield. The river, too, stands in no need of repairs. It is God's handiwork. The result, therefore, of the new scheme, if adopted, would be the loss of all the moneys for which State bonds may, or have been issued, the payment of interest by the State to a greater amount, and the sale of the road to eastern capitalists. In the present condition of the public mind of the northern States, in respect to our domestic institutions, this would be a result deeply to be deplored. I need not, in view of what is now transpiring along our western border, dwell upon this aspect of the subject.

I have not space to trace the consequences of the scheme proposed, as it affects other roads that the Pacific. I am sure, however, that although their affairs are not now so unpromising, an adoption of the scheme would produce the same final result. I will now briefly inquire whether their condition and prospects are as gloomy and discouraging as is supposed. The Pacific road to Kansas is certainly in such a condition as to inspire the worst apprehensions. It has already cost, as far as it has been constructed, as much as was estimated as the whole cost of its completion to our western border. I entertain no hope whatever, that it can now, or within any reasonable time hereafter, even if completed, discharge the liabilities incurred by the State in its behalf, except by its sale.

To the Hannibal and St. Joseph road, the State has provided for a loan of its credit to the amount of \$1,500,000. That private subscriptions have been, or can be procured to an equal amount, I have no doubt. Congress has granted in aid of it, upwards of six hundred thousand acres of land. This land cannot be worth less, at this time, than \$5.00 per acre. At that rate, it will yield at least \$3,000,000. Upon the completion of the road, it will yield double that sum. Here, then, is a brief exhibit of ample means to complete that road.

The southwestern branch of the Pacific road has a land

grant from Congress, of one million two hundred thousand acres of land. These lands, at \$5.00 per acre, will yield \$6,000,000. They will be worth much more when the road is completed. The State has, also, provided for a loan of its credit, in aid of the work, to the amount of \$1,000,000. Can any one believe that a work with such resources will fail?

An examination of the annual report of the President of the North Missouri road abundantly satisfies me, that the company has now ample available means to complete the second section to the intersection of the Hannibal and St. Joseph road. Beyond that point, reliance must be placed upon private and county subscriptions, and a further extension of the credit of the State will be necessary, and can then be safely given.

The St. Louis and Iron Mountain road, I am satisfied, is in no danger of bankruptcy. When the last loan of the State credit was given to it, it was upon a solemn assurance that it would be amply sufficient to insure its completion. I know of nothing which has transpired, showing that the assurance was not well founded.

After a careful survey of the whole subject, I feel more than ever confident, that the system originally devised, and which is now in force, for aiding in the construction of railroads, is, in its essential features, wise, prudent and safe, evincing on the part of the General Assembly a rare appreciation of the principle of public justice and remarkable forecast. It can hardly happen that any section of a road which is completed, would not be worth one-half of the sum it cost. The only defect in the system in my opinion is, that it does not require the roads to be constructed and completed by successive sections, instead of permitting the companies to expend all their means over various portions of the lines, in such manner that if the works are checked, there is no section fit for use. I think they should be required to begin at one of the termini, and complete each twenty miles successively until the whole is finished. If this is done, whenever they fail to fulfill their obligations, the

portions completed will certainly yield enough to relieve the State from responsibility.

I have seen no suggestion for a change of system preferable to the one now in force; and if steadily and inflexibly adhered to, will, I have no doubt, secure the final completion, not only of the roads now in progress, but of many other works of permanent public utility. I can see no objection, if it shall be found that the friends of the roads have been too sanguine, and that further aid from the State will be necessary, to issuing more bonds, upon the terms and conditions now prescribed in the laws; provided, we do not advance the State credit in a sum exceeding what the roads can be sold for, at any time, at public vendue. If we exceed that amount, we shall incur the hazard of being compelled to resort to taxation to redeem our bonds, and I presume there is no one who imagines that the people of Missouri are now, or will be in the future, favorable to such an alternative.

By an act approved the 28th day of September, 1850, the Congress of the United States gave and granted to several of the western States, of which ours was one, the swamp and inundated lands lying within their borders. In pursuance of this act, the Secretary of the Interior authorized the Commissioner of the General Land Office to issue instructions to the Surveyor General, relative to the manner in which said lands should be selected. These instructions were accordingly issued, and were to the effect, that the lands might be selected by the agents of the States, appointed either by the Executives, or in any other manner which the several Legislatures should prescribe. In our State, in the absence of special legislation, the agents were, in a few instances, appointed by the Governor, but in nearly all by the County Courts, which tribunals provided, in all cases, for their compensation. These agents were, from time to time, furnished with instructions from the office of the Surveyor General, pointing out the method of ascertaining which of the public lands were swamp or inundated, within the meaning of the act, and which were not; and what evi-

dence would be required to establish their character. They were, also, instructed by the same officer to return the lists of lands, so selected, duly authenticated, to his office, where, after a careful comparison of the returns with the field notes, he would determine, subject to the supervision of his official superiors, what portion of the lands should be patented to the State, conformably to the act of Congress. A time, within which these returns should be made, was also fixed by him. This time was repeatedly extended, with the approbation of the Commissioner of the General Land Office. Finally, the 15th day of September, 1853, was absolutely fixed by the present Surveyor General, as the period after which no lists would be received by him from the State authorities.

At the expiration of the time, he had a careful comparison of the lists returned made with the field notes in his office, and, after striking from them such tracts as appeared not to be within the purview of the act, he certified the remainder to the Commissioner, and gave an accurate history of his proceedings, in his annual report of that year, rendered soon after. The present Surveyor General (Gen. Loughborough), on coming into office, and after a deliberate examination of the returns then made, came to the conclusion that it was his duty to close the whole business, as early as practicable, in order to avoid interminable confusion and litigation, and to do justice alike to the United States, and this State. He, therefore, addressed to me a letter, pointing out what, in his opinion, was the best course to be pursued, and fixing a final term within which lists should be returned to his office. Concurring in the views he expressed, and being satisfied that he was animated by an earnest desire to execute the law in good faith, I addressed a circular to the county courts, urging them to prompt, efficient and final action.

The result was as I have above intimated. But there were many circumstances beyond official control, which tended to thwart our joint efforts. During the period occupied by the State Agents in selecting and returning lists

of the lands, the offices of the Registers and Receivers were kept open. Hence, the agents, in numerous instances selected lands previously entered by individuals. It frequently happened, too, that lands were selected which had been entered or pre-empted prior to the passage of the act of Congress. These circumstances introduced controversies, which were both troublesome and expensive. Other difficulties were produced by the cupidity of private individuals, who were anxious to profit by showing that the selections made were not in accordance with law and instructions. Some of the agents, also, were dissatisfied, because the Surveyor General had docked their lists, on comparison with the field notes. Complaints after complaints, originating in these causes, were sent up to the Commissioner, and various instructions were, from time to time, issued to the Surveyor General, and the Registers and Receivers, relative to their adjustment. In the mean time, the counties to which the lands had been conditionally given by the General Assembly, were kept in total ignorance of their rights; they knew not what they would be entitled to, and could provide no means of disposing of the land, or of preventing citizens from stripping the timber from all the tracts known to be swamp or inundated.

In addition to these complications, organized bodies of men have been engaged in getting up controversies, with the view of striking large tracts, selected as swamp, from the lists, and entering them at the graduation prices. In reference to all these things, I have received numerous complaints from the counties, and solicitations to accomplish what seemed entirely beyond my control. Although it was not in strictness my duty, I felt impelled, under the circumstances, to visit Washington City, to ascertain whether, if anything, or what could be done to put an end to so unfavorable a condition of things. I am gratified in being enabled to assure you, that my success has far exceeded the hopes I had entertained.

The Commissioner of the General Land Office evinced the utmost solicitude to do everything in his power, con-

sistent with duty. After conferring with me, fully and freely, and being amply informed of the condition of things, he gave me such assurances as satisfied me that nothing in his power would be left undone, to consummate the wishes of the State. In respect to the lands about which no contest was pending, he decided to have the patents issued as rapidly as possible, and I am now receiving the patents. In relation to those lands, the character of which is contested in the local land offices, patents will be issued to the State, at the close of the controversies, for all which are found to be lawfully selected.

The contested lands on the approved lists, he also informed me, have been withdrawn from market; and those of them which are found not to belong to the State, will be offered for sale at public vendue, and will not be permitted to be entered until they have been so offered.

In regard to the lands which have been disposed of subsequent to the act of the 28th September, 1850, and prior to the selection, as swamp land, the Commissioner has decided, that the State may either receive the moneys for which the lands have been sold, or select a like quantity of other public lands. Should it be the pleasure of the General Assembly to receive the money, and its pleasure, also, to distribute it to the counties, in proportion to the number of acres disposed of in them, severally, it will become necessary to enact a law accordingly. Or if, on the other hand, it should be deemed preferable to have other lands selected, it will be necessary to provide a method of having it done.

I am, Gentlemen,

With profound respect,

Your obedient servant,

STERLING PRICE.

TO THE SENATE

NOVEMBER 12, 1855

From the Journal of the Senate, p. 41

EXECUTIVE DEPARTMENT, JEFFERSON CITY, Mo., December 12, 1855.

To the Honorable the Senate:

Gentlemen—A vacancy having occurred in the Board of Public Works, authorized by “An act to aid in the construction of the St. Louis and Iron Mountain Railroad,” I appointed Mr. George W. Hough, on the 27th of September last to fill the same; and I now nominate the said George W. Hough to fill such vacancy, and respectfully ask the advice and consent of the Senate on such nomination.

Very respectfully,

STERLING PRICE.

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 27, 1855

From the Journal of the House of Representatives, p. 150

EXECUTIVE DEPARTMENT, JEFFERSON CITY, Mo., November 27, 1855.

Gentlemen of the House of Representatives:

I transmit herewith a letter from the Secretary of the Treasury of the United States, and recommend such action thereon as, in the wisdom of the General Assembly, may seem best.

Very respectfully,

STERLING PRICE.

TO THE SENATE

DECEMBER 3, 1855

From the Journal of the Senate, p. 154

EXECUTIVE DEPARTMENT, JEFFERSON CITY, Mo., December 3, 1855.

To the Honorable the Senate:

Gentlemen—I have the honor to transmit herewith, the report this day made to me by the Board of Public Works.

Very respectfully,

STERLING PRICE.

TO THE SENATE

JANUARY 4, 1853

From the Appendix of the Journal of the Senate, p. 41

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 4, 1853.

To the Honorable the Senate:

Gentlemen—In compliance with a resolution of the Senate requesting the Governor “to communicate to the Senate, a copy of any report made to the Executive Department, of the results of any survey or examination of White river, required by the act entitled an act to facilitate the improvement of the navigation of White river, approved March 3, 1851, and also the amount drawn from the Treasury, (if any) under said act; also, a copy of any report received, and the amount drawn from the Treasury, (if any,) under the act entitled an act to appropriate money to improve the Des Moines river and the act amendatory thereof, approved March 2, 1851, and any other information in his possession, relative to the improvements aforesaid.” I have the honor to submit herewith, copies of the reports made to this Department, under the acts referred to, and to state that the amount drawn from the Treasury under the act to appropriate money for the improvement of the Des Moines river, is twelve hundred and eighty dollars;

and the sum of eight thousand dollars, under the act for the improvement of White river.

I have the honor to be
Very respectfully,
Your obedient servant,
STERLING PRICE.

TO THE SENATE

JANUARY 25, 1853

From the Journal of the Senate, p. 271

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 25, 1853.

To the Honorable the Senate:

Gentlemen—I do hereby nominate James Basket, Ezra B. Sitton, William Chase, of Callaway, and James Jackson, of Audrain county, to be members of the board of managers for the “Asylum for the Insane,” and respectfully ask the advice and consent of the Senate to their appointment, to take effect from and after the first day of February next. I have the honor to be, very respectfully,

Your obedient servant,
STERLING PRICE.

TO THE SENATE

FEBRUARY 19, 1853

From the Journal of the Senate, p. 430

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 19, 1853.

To the Honorable the Senate:

Gentlemen—I hereby nominate Thomas B. Nesbit and Alfred A. Riley, of Callaway county, to be commissioners of the asylum for the deaf and dumb for the next four years, and respectfully ask the advice and consent of the Senate to their nomination.

I have the honor to be, very respectfully,
Your obedient servant,
STERLING PRICE.

PROCLAMATIONS

OFFERING A REWARD

JANUARY 27, 1853

From the Register of Civil Proceedings, 1852-1860, p. 40

WHEREAS, it has been represented to me that one William Greene Chipman, on or about the 17th inst. in the County of Howard in the State of Missouri attempted the murder of one John Foster by inflicting a mortal wound upon the person of the said Foster, and WHEREAS, it has been represented, that the said William Greene Chipman has fled from justice and is now going at large, to the great detriment of the peace, good order, and dignity of the State: NOW THEREFORE, I, STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of one hundred dollars, for the apprehension of the said Chipman and for his delivery to the sheriff of Howard County.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the great seal
(SEAL) of the State of Missouri. Done at the City of Jefferson this 27 January A. D. 1853.

By the Governor

STERLING PRICE.

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD

FEBRUARY 14, 1853

From the Register of Civil Proceedings, 1852-1860, p. 43

WHEREAS, it has been represented to me, that on or about the tenth day of February 1853, a murder was committed, in the County of Cape Girardeau, in the State of Missouri, on the body of Charles Krehbul, by one William Sumner; and WHEREAS, it is further represented that the said William Sumner has fled from justice and is now going

at large, to the great detriment of the peace, good order, and dignity of the State: NOW THEREFORE, I, STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of *One hundred and fifty dollars* for the apprehension of the said William Sumner, and for his delivery to the Sheriff of Cape Girardeau County.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the
(SEAL) State of Missouri. Done at the City of Jefferson
this fourteenth day of February A. D. 1853.

By the Governor

STERLING PRICE.

JOHN M. RICHARDSON,
Secretary of State.

OFFERING A REWARD

APRIL 19, 1853

From the Register of Civil Proceedings, 1852-1860, p. 51

WHEREAS, it has been represented to me, that Andrew Jordan and Willard Jordan, on or about the seventeenth day of March last, in the County of Barry in the State of Missouri, murdered A. J. Galyen, and WHEREAS it has been represented, that the said Andrew Jordan and Willard Jordan have fled from justice and are now going at large, to the great detriment of the peace, good order and dignity of the State: NOW, THEREFORE, I, STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of one hundred dollars for the apprehension & delivery of either of them to the Sheriff of Barry County, or one hundred and fifty dollars for the apprehension and delivery of both of them to the Sheriff of said County.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of
(SEAL.) the State of Missouri. Done at the City of Jefferson this 19, April 1853.

By the Governor

STERLING PRICE.

JOHN M. RICHARDSON,
Secretary of State.

OFFERING A REWARD

MAY 9, 1853

From the Register of Civil Proceedings, 1852-1860, p. 53

WHEREAS, Walton Webb and William Webb, stand indicted by the Grand jury of the County of Scott in the State of Missouri, for having on the fifth day of November in the year of our Lord one thousand eight hundred and fifty-two murdered Allen Sillman and WHEREAS it has been represented that the said Walton Webb and William Webb have fled from justice and are now going at large to the great detriment of the peace, good order, and dignity of the State, NOW THEREFORE I, STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of one hundred dollars for the apprehension and delivery of either of them to the Sheriff of Scott County, or three hundred dollars for the delivery of both of them to the Sheriff of the aforesaid County.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the
(SEAL.) State. Done at the office of Secretary of State, at the City of Jefferson this 9, May 1853.

By the Governor

STERLING PRICE.

JOHN M. RICHARDSON,
Secretary of State.

*FIXING DATE FOR ELECTION OF A JUDGE OF
LAND COURT.*

JULY 8, 1853

From the Register of Civil Proceedings, 1852-1860, p. 58

To the Sheriff of the County of St. Louis: Greeting:

WHEREAS, by an act of the General Assembly of the State of Missouri, a land Court has been established in the County of St. Louis: and WHEREAS, by said act entitled, "An Act to establish a land Court in Saint Louis County

and for other purposes," it is provided the judge and Clerk of said land Court shall be elected by the qualified voters of the said County of Saint Louis:

NOW, THEREFORE, I STERLING PRICE, Governor of the State of Missouri, do hereby direct and command that on the first day of August 1853, you cause an election for the choice of a judge and Clerk of said land Court to be held at the respective places of holding elections in the County of Saint Louis giving ten days notice thereof, according to law, and that you certify to me your execution of this writ.

In Testimony Whereof I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson the eighth day of July in the year of
(SEAL) our Lord one thousand, eight hundred and fifty-three, the Independence of the United States the seventy-eighth and of this State the thirty-third.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON

Secretary of State.

OFFERING A REWARD

JULY 29, 1853

From the Register of Civil Proceedings, 1852-1860, p. 61

WHEREAS it has been represented to me, that Stephen Howser on the 26, Inst. in the county of Gasconade, willfully and premeditatedly murdered, William Farris, and WHEREAS it is represented the said Stephen Howser has fled from justice and is now going at large, to the great detriment of the peace, good order and dignity of the State: NOW THEREFORE I STERLING PRICE Governor of the State of Missouri, do hereby offer a reward of two hundred dollars for the apprehension and delivery of the said Howser to the Sheriff of Gasconade County.

In Testimony Whereof I have hereto set my hand
and caused to be affixed the great seal of the
(SEAL) State. Done at the office of Secretary of State
at the City of Jefferson this 29, July 1953.

By the Governor STERLING PRICE.

JOHN M. RICHARDSON
Secretary of State.

DESCRIPTION

Stephen Howser is about 28 years of age, five feet ten inches high. Weight about one hundred and seventy, Dark complexion, Dark and long hair.

OFFERING A REWARD

JULY 30, 1853

From the Register of Civil Proceedings, 1852-1860, p. 62

WHEREAS it has been represented to me that John Houstin Montgomery, and Solomon Patrick on the 31st of May in the County of Wayne, murdered John Clark, and WHEREAS it is further represented to me the said Montgomery and Patrick have fled from justice and are now going at large to the great detriment of the peace good order and dignity of the State. NOW THEREFORE I STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of one hundred dollars for the delivery of either Montgomery or Patrick into the custody of the Sheriff of Wayne County, or two hundred and fifty dollars for the delivery of both up to the Sheriff of the aforesaid county.

In Testimony Whereof I have hereto set my hand
and caused to be affixed the Great Seal of the
(SEAL) State. Done at the office of Secretary of State
in the City of Jefferson this 30, July 1853.

STERLING PRICE.

By the Governor
JOHN M. RICHARDSON
Secretary of State.

*FIXING DATE FOR ELECTION OF A JUDGE
OF CRIMINAL COURT*

SEPTEMBER 17, 1853

From the Register of Civil Proceedings, 1852-1860, pp. 65-66

To the Sheriff of St. Louis County: Greeting:

WHEREAS it has been certified to the Governor of the State of Missouri, that a vacancy will exist in the office of Judge of the Criminal Court of St. Louis County, from and after the twentieth day of the present month, occasioned by the resignation of the Hon. James B. Colt, which takes effect on said day: NOW THEREFORE I STERLING PRICE, Governor of the State of Missouri, do hereby direct and command that you cause an election to be held on Monday the 24, day of October 1853, at the respective places of holding elections in the County of St. Louis for the election of a judge of the "criminal court of St. Louis County" to fill the vacancy aforesaid; and that you certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand and caused the great seal of the State to be hereto affixed. Done at the office of Secretary of State, in the City of Jefferson this seventeenth day of September A. D. 1853.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON

Secretary of State.

OFFERING A REWARD

OCTOBER 17, 1853

From the Register of Civil Proceedings, 1852-1860, p. 68

WHEREAS it has been represented to me that a negro man named Jack did on the 28, September 1853, murder

Seneca P. Diggs in Howard County, and WHEREAS it is further represented to me, the said Jack has fled from justice, and is now going at large to the great detriment of the peace good order & dignity of the State; NOW THEREFORE I, STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of one hundred and fifty dollars for the arrest and delivery of the said Jack to the Sheriff of Howard County.

In Testimony Whereof I have hereto set my name and caused to be affixed hereunto the great seal
(SEAL) of the State of Missouri. Done at the office of Secretary of State in the City of Jefferson this 17, October A. D. 1853.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

ON THANKSGIVING

NOVEMBER 3, 1853

From the Register of Civil Proceedings, 1852-1860, p. 70

It is both necessary & proper on state occasions for nations as well as individuals to give proper manifestations of Gratitude & thankfulness to the Giver of all blessings for his superintending control & for the multiplier enjoyments which his creatures are continually receiving at his hands.

As a people we have been peculiarly favored by the rich blessings of peace, health & unbounded prosperity; all inestimable gifts & vouchsafed to but few nations of the earth. These mercies should call forth our united voices of thankfulness and praise. NOW THEREFORE I designate & appoint the last Thursday of the present month, being the twenty-fourth day of November to be observed as a day of prayer & thanksgiving throughout the State. And it is earnestly recommended to the citizens of the State of Missouri, to

abandon their usual pursuits, meet together at their respective places of Worship and offer their thanks to almighty God for his manifold blessings & mercies to us both, individually & collectively.

In Testimony Whereof I have hereunto set my
(SEAL) hand and caused to be affixed the Great Seal of the State. At the City of Jefferson this 3d day Nov. 1853.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD

NOVEMBER 29, 1853

From the Register of Civil Proceedings, 1852-1860, p. 72

WHEREAS it has been represented to me that John Campbell, did on the twenty-third day of November 1853, murder John S. Wingate in Moniteau County Missouri, and WHEREAS it is further represented to me, the said John Campbell has absconded and is now going at large, to the great detriment of the peace, good order and dignity of the State: NOW THEREFORE I STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of one hundred dollars for the arrest and delivery of the said John Campbell to the Sheriff of Moniteau County.

In Testimony Whereof I have hereto set my name
& caused the Great seal of the State to be here-
(SEAL) unto affixed. Done at the office of Secretary of State in the City of Jefferson this 29, November 1853.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD

FEBRUARY 7, 1854

From the Register of Civil Proceedings, 1852-1860, p. 77

WHEREAS it has been represented to me that Nathaniel Lindsey, did on the eleventh day of January 1854, murder Samuel Stonum in Caldwell County Missouri; & WHEREAS it is further represented to me the said Nathaniel Lindsey, has absconded & is now going at large to the great detriment of the peace, good order and dignity of the State: Now THEREFORE I STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of two hundred dollars for the arrest and delivery of the said Lindsey to the Sheriff of Caldwell County.

In Testimony Whereof I have hereto set my hand & caused the Great Seal of the State of Missouri (SEAL) to be affixed. Done at the office of Secretary of State in the City of Jefferson this seventh day of February A. D. 1854.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD

MARCH 23, 1854

From the Register of Civil Proceedings, 1852-1860, p. 81

WHEREAS it has been represented to me that E. J. Hays on the fifteenth day of March A. D. 1854, murdered J. W. Brown in the county of Howard and State of Missouri; and WHEREAS it is further represented to me that said Hays has absconded and is now going at large, to the great detriment of the peace, good order, and dignity of the State.

NOW THEREFORE I STERLING PRICE, Governor of the

State of Missouri, do hereby offer a reward of two hundred dollars for the arrest and delivery of the said Hays to the Sheriff of Howard County.

In Testimony Whereof I have hereto set my name and caused the Great seal of the State to be affixed. Done at the office of Secretary of State in the City of Jefferson this 23rd day of March, A. D., 1854.

By the Governor

STERLING PRICE.

JOHN M. RICHARDSON

Secretary of State.

OFFERING A REWARD

APRIL 6, 1854

From the Register of Civil Proceedings, 1852-1860, pp. 82-83

WHEREAS it has been represented to me that John C. Whitman and William Whitman, on the 24th day of March 1854, murdered Miles Gipson in the county of Cedar and State of Missouri; and WHEREAS it is further represented to me, that the said John C. Whitman and William Whitman have absconded and are now going at large to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, STERLING PRICE, Governor of the State of Missouri do hereby offer a reward of two hundred dollars, one hundred for the arrest and delivery of each one of the said Whitmans to the Sheriff of Cedar County.

In Testimony Whereof I have hereto set my hand and caused the Great Seal of the State of Missouri to be affixed. Done at the office of Secretary of State in the City of Jefferson, this 6th day of April A. D. 1854.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON

Secretary of State.

OFFERING A REWARD

MAY 16, 1854

From the Register of Civil Proceedings, 1852-1860, p. 86

WHEREAS it has been represented to me that William A. Jackson on the fourth day of May A. D. 1854, murdered James B. Laidlan in the county of St. Louis; and WHEREAS it is further represented to me that the said William A. Jackson has absconded, and is now going at large, to the great detriment of the peace, good order, and dignity of the State.

NOW, THEREFORE, I, STERLING PRICE, Governor of the State of Missouri do hereby offer a reward of two hundred dollars for the arrest and delivery of the said Jackson to the Marshal of the County of St. Louis, Missouri.

In Testimony Whereof, I have hereunto set my name and caused the Great Seal of the State to
(SEAL) be hereto affixed. Done at the office of Secretary of State, in the City of Jefferson, this 16th day of May, A. D. 1854.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON

Secretary of State.

OFFERING A REWARD

JUNE 1, 1854

From the Register of Civil Proceedings, 1852-1860, p. 87

WHEREAS it has been represented to me that Berry Dawson did on the fifteenth day of May, 1854, in the county of Cole and State of Missouri inflict a mortal wound on Alvy L. Terry which wound has since caused the death of said Terry, and WHEREAS it is represented to me that the said Berry Dawson has fled from justice and is now going

at large to the detriment of the peace and dignity of the State.

NOW THEREFORE, I, STERLING PRICE, Governor of the State of Missouri do hereby offer a reward of one hundred dollars for the arrest and delivery of the said Berry Dawson to the Sheriff of Cole county.

In Testimony Whereof I have hereunto set my name and caused the Great Seal of the State to (SEAL) be hereto affixed. Done at the office of Secretary of State in the City of Jefferson this 1st day of June A. D. 1854.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

FIXING DATE FOR ELECTION OF A JUDGE OF THE SIXTH JUDICIAL CIRCUIT

AUGUST 10, 1854

From the Register of Civil Proceedings, 1852-1860, p. 94

*The State of Missouri to the Sheriff of Lafayette county,
Greeting:*

WHEREAS in consequence of the death of the Hon. Henderson Young Judge of the sixth Judicial Circuit, within & for the State of Missouri, there is a vacancy in the office of Judge of the Circuit court in said circuit.

NOW THEREFORE I, STERLING PRICE, Governor of the State of Missouri, by virtue of authority in me vested, do hereby direct and command that you give four days notice, according to law, and cause an election to be held on Monday the 28 day of August A. D. 1854, at the respective places of holding elections in Lafayette county for the election of a Judge of the Circuit court for the Sixth Judicial circuit to fill the vacancies aforesaid, during the unexpired term of

Hon. Henderson Young, deceased. You are further commanded to certify to me, the execution of this writ.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson, (L. S.) this tenth day of August in the year of our Lord eighteen hundred and fifty four of Independence of the United States the seventy ninth and of the State of Missouri the thirty fourth.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD

OCTOBER 10, 1854

From the Register of Civil Proceedings, 1852-1860, p. 106

WHEREAS it has been represented to me that Samuel Kirkendoll did on the 26th day of August last, murder Jesse Gum in Lawrence county Missouri, and WHEREAS, it is further represented to me that said Samuel Kirkendoll has absconded, and is now going at large to the great detriment of the peace, good order and dignity of the State: Now THEREFORE, I STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of two hundred dollars for the arrest and delivery of the said Samuel Kirkendoll to the Sheriff of Lawrence county.

In Testimony Whereof, I, have hereunto set my name and caused to be affixed the Great Seal (SEAL) of the State of Missouri. Done at the City of Jefferson, this the 10th day of October A. D. 1854.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD

OCTOBER 17, 1854

From the Register of Civil Proceedings, 1852-1860, p. 107

WHEREAS Charles H. Sutherland did in the county of Pulaski in this State murder Joseph Newberry and WHEREAS the said Charles H. Sutherland being confined in the jail of Pulaski county awaiting his trial upon an indictment for the aforesaid murder, did on the twenty-eighth of June last break from the jail and escape from the custody of the proper officers and is now going at large to the great detriment of the peace, good order and dignity of the State:

THEREFORE I STERLING PRICE, Governor of the State of Missouri, by virtue of authority in me vested, do hereby offer a reward of two hundred dollars for the arrest and delivery of Charles H. Sutherland to the Sheriff of Pulaski county.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the
(SEAL) State of Missouri. Done at the office of Secretary of State, in the City of Jefferson, the 17th day of October A. D. 1854.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

Description—The said Charles H. Sutherland is about 34 years of age—five feet nine inches high—light hair, blue eyes, fair complexion and sharp features—has a scar on the upper part of his forehead, and on the left side and a scar on the under lip,—his beard is of a light color, and thin on his face.

FIXING DATE OF ELECTION OF A JUDGE OF SUPREME COURT

NOVEMBER 14, 1854

From the Register of Civil Proceedings, 1852-1860, p. 110

The State of Missouri to the Sheriff of—— county—Greeting:

WHEREAS, in consequence of the resignation of the Hon. Hamilton R. Gamble there will be a vacancy in the office of Judge of the Supreme Court of this State, from and after the fifteenth day of November A. D. 1854.

NOW, THEREFORE, I STERLING PRICE, Governor of the State of Missouri, do hereby direct and command that you give ten days notice according to law, and cause an election to be held on Monday, the first day of January A. D. 1855 at the respective places of holding elections in—— county, for the election of a Judge of the Supreme Court to fill the vacancy aforesaid, during the unexpired term of the Hon. Hamilton R. Gamble. You are further commanded to certify to me the execution of this writ.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the office of Secretary of State in the City of Jefferson, this fourteenth day of November in the year of our Lord eighteen hundred and fifty four, of the Independence of the United States the seventy-ninth and of the State of Missouri the thirty-fourth.

By the Governor

STERLING PRICE.

JOHN M. RICHARDSON

Secretary of State.

ON THANKSGIVING

NOVEMBER 30, 1854

From the Register of Civil Proceedings, 1852-1860, p. 112

WHEREAS, it is considered right and proper that we should gratefully acknowledge the goodness of God, dis-

played in the preservation of our lives our civil and religious liberties, and our republican institutions, and for every blessing temporal and spiritual which we enjoy. And WHEREAS, the protection of the State from invasion, insurrection and intestine commotion and the citizens from pestilence and plague, equally demand a return of thanks to *Him*, whose will has wrought this protection.

NOW THEREFORE, under a full sense of obligation and duty, and in accordance with the wishes of a great many citizens of the State, I, STERLING PRICE, Governor of the State of Missouri, do by this my public Proclamation, recommend to the people of this State, that without distinction of sect, denomination or creed, they observe, Thursday the fourteenth day of December next as a day of thanksgiving to Almighty God, for his favor extended to us collectively, nationally and individually.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the office of Secretary of State in the City of Jefferson this 30th November A. D. 1854. Of the Independence of the United States the seventy-ninth and of the State of Missouri the thirty-fourth.

By the Governor

STERLING PRICE.

JOHN M. RICHARDSON
Secretary of State.

FIXING DATE FOR ELECTION OF A STATE REPRESENTATIVE

DECEMBER 6, 1854

From the Register of Civil Proceedings, 1852-1860, p. 113

The State of Missouri to the Sheriff of Pike County: Greeting:

WHEREAS, in consequence of the resignation of W. W. Freeman, a member elect to the House of Representatives of the eighteenth General Assembly of the State of Missouri,

a vacancy exists in the office of Representative for the county of Pike, in the House of Representatives of the General Assembly, aforesaid.

NOW, THEREFORE, I, STERLING PRICE, Governor of the State of Missouri, do hereby direct and command, that you give ten days notice according to law, and cause an election to be held on Monday the first day of January A. D. 1855, at the respective places of holding elections in Pike county, for the election of a representative of the county of Pike in the House of Representatives of the eighteenth General Assembly of the State of Missouri to fill the vacancy aforesaid. You are further commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the
(L. S.) State of Missouri. Done at the office of Secretary of State, in the city of Jefferson the sixth day of December A. D. 1854.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON,
Secretary of State.

OFFERING A REWARD

JANUARY 2, 1855

From the Register of Civil Proceedings, 1852-1860, p. 115

WHEREAS it has been represented to me that Charles Runkle did on or about the 13th day of December last, murder an infant child in Scotland county, Missouri, and WHEREAS, it is further represented to me, that said Charles Runkle has absconded, and is now going at large, to the great detriment of the peace good order and dignity of the State:

NOW, THEREFORE, I STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of two hundred dollars for the arrest and delivery of the said Charles Runkle to the Sheriff of Scotland county.

In Testimony Whereof, I have hereunto set my name and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this 2nd day of January 1855. Of the independence of the United States the seventy-ninth and of the State of Missouri the thirty-fourth.

By the Governor

STERLING PRICE.

JOHN M. RICHARDSON

Secretary of State.

OFFERING A REWARD

FEBRUARY 5, 1855.

From the Register of Civil Proceedings, 1852-1860, p. 119

WHEREAS it has been represented to me that Lewis Walker and Calvin Vicory, did on the eighteenth day of November 1854 murder Edward Shearer in Newton county, Missouri, and WHEREAS it is further represented to me that said Lewis Walker and Calvin Vicory have absconded, and are now going at large to the great detriment of the peace, good order, and dignity of the State.

NOW THEREFORE, I, STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of two hundred dollars for the arrest and delivery of both of them to the Sheriff of Newton county, or one hundred for the arrest and delivery of either one of them to said Sheriff.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the office of Secretary of State in the City of Jefferson this 5th February 1855. Of the Independence of the United States the seventy-ninth and of the State of Missouri the thirty-fourth.

By the Governor

STERLING PRICE.

JOHN M. RICHARDSON

Secretary of State.

OFFERING A REWARD

APRIL 7, 1855

From the Register of Civil Proceedings, 1852-1860, p. 127

WHEREAS it has been represented to me that Wm. Taylor did on the fourth day of March 1855, murder George W. Thorp in Benton county, Missouri, and WHEREAS, it is further represented to me that said William Taylor has absconded and is now going at large to the great detriment of the Peace, good order and dignity of the State.

NOW THEREFORE, I STERLING PRICE, Governor of the State of Missouri, do hereby offer a reward of one hundred and fifty dollars for the arrest and delivery of said William Taylor to the Sheriff of Benton county.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the office of Secretary of State in the City of Jefferson the seventh day of April A. D., 1855. Of the independence of the United States the seventy-ninth, and of the State of Missouri the thirty-fourth.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

ON THANKSGIVING

APRIL 27, 1855

From the Register of Civil Proceedings, 1852-1860, p. 129

WHEREAS, it is the duty of nations and States as well as individuals, at stated times, to gratefully return thanks for the many favors of a kind providence, and at times to prostrate themselves at the throne of divine grace, and humbly petition the Giver of all Good for a continuance of his

watchful care, and that any impending state or national calamity may be averted:

NOW THEREFORE I, STERLING Price, Governor of the State of Missouri, under a full sense of obligation and duty, and at the urgent solicitation of many citizens, do by this my public proclamation, recommend to the people of this State, without distinction of denomination or creed, that they observe Thursday the thirty first day of May, as a day of thanksgiving, humiliation and prayer—that they close their houses of business—assemble at their respective places of public worship and return thanks for the many blessings of providence and humbly beseech the divine ruler of the universe, that our State may be blessed with health, plentifulness and prosperity, and that we may not be visited with famine, pestilence or civil strife.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the office of Secretary of State in the City of Jefferson, this 27th April A. D. 1855. Of the independence of the United States the seventy ninth, and of the State of Missouri the thirty fourth.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

FIXING DATE FOR ELECTION OF A STATE REPRESENTATIVE

MAY 4, 1855

From the Register of Civil Proceedings, 1852-1860, p. 130

To the Sheriff of Morgan County, Greeting:

WHEREAS, in consequence of the resignation of J. I. Bradford, a member elect to the House of Representatives of the Eighteenth General Assembly of the State of Missouri,

a vacancy exists in the office of Representative from the county of Morgan in the House of Representatives of the General Assembly, aforesaid.

NOW, THEREFORE, I STERLING PRICE, Governor of the State of Missouri, do hereby direct and command that you give ten days notice according to law, and cause an election to be held on Monday the sixth day of August A. D., 1855 at the respective places of holding elections in Morgan county, for the election of a representative of the county of Morgan in the House of Representatives of the Eighteenth General Assembly of the State of Missouri to fill the vacancy aforesaid. You are further commanded to certify to me the execution of this writ.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the
(L. S.) State of Missouri. Done at the office of Secretary of State in the city of Jefferson the fourteenth day of May 1855.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON

Secretary of State.

ON MOUND CITY MUTUAL FIRE AND MARINE INSURANCE

MAY 25, 1855.

From the Register of Civil Proceedings, 1852-1860, pp. 131-132

WHEREAS, by "an act to incorporate the Mound City Mutual Fire and Marine insurance company of St. Louis" approved March 5, 1855, the said company is prohibited from issuing a policy until application has been made for insurance in said company on fifty thousand dollars; and whereas notice has been given to the Governor by the directors that such application has been made.

NOW, THEREFORE I, STERLING PRICE, Governor of the State of Missouri, do by this my public proclamation, make

known that application has been made for insurance on fifty thousand dollars in the "Mound City Mutual Fire and Marine Insurance Company of St. Louis."

In Testimony Whereof I have hereto set my hand and caused the Great seal of the State to be hereto (SEAL) affixed. Done at the office of Secretary of State this 21, of May, 1855. Of the independence of the United States the seventy-ninth and of the State of Missouri the thirty-fourth.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Sec. of State.

OFFERING A REWARD

AUGUST 8, 1855

From the Register of Civil Proceedings, 1852-1860, p. 139

WHEREAS it has been represented to me that Alfred Canoy did on the fourth of July A. D. 1855 murder William S. Bliss in the county of New Madrid Missouri and WHEREAS it is further represented to me that said Canoy has fled from justice and is now going at large to the great detriment of the peace good order and dignity of the state.

NOW THEREFORE I STERLING PRICE, Governor of the State of Missouri, by this my public proclamation, offer a reward of three hundred dollars for the arrest and delivery of the said Alfred Canoy to the Sheriff of New Madrid County.

In Testimony Whereof I have hereto set my hand (SEAL) and affixed the seal of the State of Missouri. Done at the office of Secretary of State, the 8, of August 1855.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD

AUGUST 25, 1855

From the Register of Civil Proceedings, 1852-1860, p. 141

WHEREAS it has been represented to me that Franklin I. Rollins who murdered Henry Hatter in Moniteau county on the 30th of June A. D. 1855 has broke jail and is now going at large contrary to the peace and dignity of the State.

NOW THEREFORE I, STERLING PRICE Governor of the State of Missouri, do by my public proclamation offer a reward of two hundred dollars for the arrest and delivery of Franklin I. Rollins to the Sheriff of Moniteau county.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State. Done at the office of Secretary of State, (SEAL) in the City of Jefferson, this 25th August A. D. 1855. Of the Independence of the United States the eightieth and of the State of Missouri the thirty-fifth.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON

Secretary of State.

FIXING DATE FOR ELECTION OF A STATE REPRESENTATIVE

OCTOBER 16, 1855

From the Register of Civil Proceedings, 1852-1860, pp. 146-147

The State of Missouri to the Sheriff of Cass County: Greeting:

WHEREAS, in consequence of the resignation of H. B. Standiford, a member elect to the House of Representatives of the Eighteenth General Assembly of the State of Missouri, a vacancy exists in the office of Representatives from the

County of Cass in the House of Representatives of the General Assembly aforesaid.

NOW, THEREFORE, I STERLING PRICE, Governor of the State of Missouri, do hereby direct and command that you give six days notice according to law, and cause an election to be held on Monday the twenty-ninth day of October A. D. 1855, at the respective places of holding elections in Cass county for the election of a Representative of the county of Cass in the House of Representatives of the eighteenth General Assembly of the State of Missouri, to fill the vacancy aforesaid. You are further commanded to certify to me the execution of this writ.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the office of Secretary of State in the City of Jefferson, the sixteenth day of October A. D. 1855.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON

Secretary of State.

OFFERING A REWARD

FEBRUARY 7, 1856

From the Register of Civil Proceedings, 1852-1860, p. 160

WHEREAS it has been represented to me, that William Hull did, on the 2nd day of January A. D. 1856, murder Jules Du Collier in the County of Marion, Missouri. And WHEREAS it is further represented to me, that said William Hull has fled from justice, and is now going at large to the great detriment of the peace, good order, and dignity of the State. NOW THEREFORE, I, STERLING PRICE Governor of the State of Missouri, do by this my public proclamation, offer a reward of Two Hundred Dollars for the arrest and

delivery of said William Hull to the Sheriff of Marion County, Missouri.

In Testimony Whereof, I have hereto set my hand, and affixed the Great seal of the State of Missouri. Done at the office of the Secretary of State, the 7th day of February A. D. 1856.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Sect. of State.

OFFERING A REWARD.

FEBRUARY 7, 1856

From the Register of Civil Proceedings, 1852-1860, p. 160

WHEREAS it has been represented to me, that Bassel H. Gordon was foully murdered and robbed near Warrenton in the County of Warren in this State, on or about the 5th day of February, 1856, by two persons, names unknown.

NOW; THEREFORE I, STERLING PRICE Governor of the State of Missouri, do by my public proclamation offer a reward of Three Hundred Dollars for the arrest and delivery of the murderers of said Bassel H. Gordon, to the Sheriff of Warren County.

In Testimony Whereof I have hereto set my hand and caused to be affixed, the Great Seal of the State. Done at the Office of Secretary of State, (SEAL) in the City of Jefferson this 7th day of February A. D. 1856, of the Independence of the United States the eightieth, and of the State of Missouri the thirtyfifth.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Sect. of State.

*FIXING DATE FOR ELECTION OF A JUDGE OF
LAND COURT*

FEBRUARY 8, 1856

From the Register of Civil Proceedings, 1852-1860, p. 161

*The State of Missouri to the Sheriff of St. Louis County,
Greeting:*

WHEREAS, in consequence of the resignation of the Honbl. Edward Bates there is a vacancy in the office of Judge of the Land Court in Saint Louis County.

NOW, THEREFORE I, STERLING PRICE, Governor of the State of Missouri, do hereby direct and command, that you give not less than thirty days, nor more than sixty days notice according to law, and cause an election to be held on the first Monday in April A. D. 1856, at the respective places of holding elections in Saint Louis County, for the election of a Judge of the Land Court in Saint Louis County, to fill the vacancy aforesaid, during the unexpired term of the Hon. Edward Bates.

You are further commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the Office of Secretary of State, in the City of Jefferson, this eighth day of February in the year of our Lord Eighteen hundred and fifty-six, of the Independence of the United States the eightieth and of the State of Missouri the thirty-fifth.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD

MARCH 19, 1856

From the Register of Civil Proceedings, 1852-1860, p. 166

WHEREAS it has been represented to me, that Jerre Laule did, on the 16th day of March A. D. 1856 murder _____ Durmany in the County of Cole, Missouri. And WHEREAS it is further represented to me, that said Jerre Laule has fled from justice, and is now going at large to the great detriment of the peace, good order, and dignity of the State.

NOW THEREFORE I, STERLING PRICE, Governor of the State of Missouri, do by this my public proclamation, offer a reward of One Hundred Dollars, for the arrest and delivery of said Jerre Laule to the Sheriff of Cole County, Missouri.

In Testimony Whereof, I have hereto set my hand, and caused to be affixed the Great Seal of the (SEAL) State of Missouri. Done at the office of the Secretary of State the nineteenth day of March A. D. 1856. STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

DESCRIPTION

Said Laule is about six feet high, dark complexion, pockarred (or pockmarked) and black hair.

*FIXING DATE FOR ELECTION OF A UNITED STATES
REPRESENTATIVE*

MAY 27, 1856

From the Register of Civil Proceedings, 1852-1860, p. 174

The State of Missouri to the Sheriff of Cole County, Greeting:

WHEREAS, In consequence of the death of Honbl. John G. Miller, a member elect to the House of Representatives

of the thirty-fourth Congress of United States, a vacancy exists in the office of Representative from the fifth Congressional District in the State of Missouri, in the House of Representatives of the thirty-fourth Congress aforesaid.

NOW, THEREFORE I, STERLING PRICE, Governor of Missouri, do hereby direct and command, that you give twenty days' notice according to law, and cause an election to be held on first Monday in August next, at the respective places of holding elections in Cole County, for the election of a Representative from the Fifth Congressional District, in the House of Representatives of the thirty-fourth congress of the United States, to fill the vacancy aforesaid.

You are further commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the
(L. S.) State of Missouri. Done at the office of Secretary of State, in the City of Jefferson, the twenty-seventh day of May, A. D. 1856.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD.

JUNE 27, 1856

From the Register of Civil Proceedings, 1852-1860, p. 178

WHEREAS it has been represented to me, that Major William Gay, late Indian Agent for the Shawnees; was on the 21st inst, murdered by three unknown persons, in the County of Jackson in this State. And it is further represented to me, that, the murderers of said Gay are now going at large to the great detriment of the Peace, good order, and dignity of the State. NOW THEREFORE, I, STERLING PRICE, Governor of the State of Missouri, do by this my public procla-

mation, offer a reward of Three Hundred dollars, for the arrest and delivery of the murderers of said Gay, to the sheriff of Jackson County, Missouri.

In Testimony Whereof, I have hereto set my hand, and caused to be affixed the Great Seal of the
(SEAL) State of Missouri. Done at the office of the Secretary of State the twenty seventh day of June A. D. 1856.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Sect. of State.

OFFERING A REWARD

AUGUST 7, 1856

From the Register of Civil Proceedings, 1852-1860, p. 182

WHEREAS it has been represented to me, that Jobe Goodall, of Cole County, was on the — day of August A. D. 1856, murdered by some unknown person or persons, in the County of Cole in this State. And it is further represented to me, that, the murderer or murderers of said Goodall are now going at large to the great detriment of the peace, good order, and dignity of the State. NOW THEREFORE I, STERLING PRICE Governor of the State of Missouri, do by this my public proclamation, offer a reward of Two Hundred Dollars, for the arrest, and delivery of the murderers of said Goodall, to the Sheriff of Cole County, Missouri.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the
(SEAL) State of Missouri. Done at the office of the Secretary of State, the seventh day of August A. D. 1856.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Sect. of State.

FIXING DATE FOR ELECTION OF A JUDGE OF THE
SIXTH JUDICIAL CIRCUIT

AUGUST 9, 1856

From the Register of Civil Proceedings, 1852-1860, p. 183

*The State of Missouri, to the Sheriff of————County,
Greeting:*

WHEREAS, in consequence of the resignation of the Honbl. William T. Wood, there is a vacancy in the office of Judge of the Sixth Judicial Circuit in this State.

NOW, THEREFORE, I, STERLING PRICE, Governor of the State of Missouri, do hereby direct and command, that you give not less than six days notice according to law, and cause an election to be held on Wednesday the twenty-seventh day of August A. D. 1856; at the respective places of holding elections in your county, for the election of a Judge of the Sixth Judicial Circuit in this State, to fill the vacancy aforesaid, during the unexpired term of the Honbl. William T. Wood.

You are further commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the office of Secretary of State in the City of Jefferson, this ninth
(L. S.) day of August in the year of our Lord Eighteen hundred and fifty-six, of the Independence of the United States the Eighty first and of the State of Missouri the thirty sixth.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON

Sect. of State.

FIXING DATE FOR ELECTION OF A STATE REPRESENTATIVE

SEPTEMBER 13, 1856

From the Register of Civil Proceedings, 1852-1860, p. 188

*The State of Missouri to the Sheriff of Audrain County:
Greeting:*

WHEREAS in consequence of the resignation of T. J. Hardin, and A. B. Tinsley both of whom claim to be members elect to the House of Representatives of the Nineteenth General Assembly of the State of Missouri, a vacancy exists in the Office of Representatives from the County of Audrain in the House of Representatives of the General Assembly, aforesaid.

NOW THEREFORE, I, STERLING PRICE, Governor of the State of Missouri, do hereby direct and command that you give fifteen days notice according to law, and cause an election to be held on the first Tuesday after the first Monday of November A. D. 1856, at the respective places of holding elections in Audrain County, for the election of a Representative of the County of Audrain in the House of Representatives of the Nineteenth General Assembly of the State of Missouri, to fill the vacancy aforesaid.

You are further commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the Office of Secretary of State, in the City of Jefferson this thirteenth day of September A. D. 1856, of the Independence of the United States the eighty-first, and of the State of Missouri, the thirty sixth.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Secretary of State.

OFFERING A REWARD

SEPTEMBER 23, 1856

From the Register of Civil Proceedings, 1852-1860, p. 191

WHEREAS it has been represented to me, that Levi Nance, did on the 17th day of Sept. 1856, murder Wm. John Farnur in the County of Chariton, State of Missouri, and WHEREAS it is further represented to me, that the said Levi Nance has fled from justice, and is now going at large, to the great detriment of the peace, good order, and dignity of the State.

NOW, THEREFORE, I, STERLING PRICE, Governor of the State of Missouri, do by this my Public Proclamation, offer a reward of Two Hundred Dollars, for the arrest and delivery of the said Levi Nance, to the Sheriff of Chariton County, Missouri.

In Testimony Whereof, I have hereto set my hand, and caused to be affixed the Great Seal of the
(SEAL) State of Missouri. Done at the office of the Secretary of State, the 23rd day of September A. D. 1856.

STERLING PRICE.

By the Governor

JOHN M. RICHARDSON
Sect. of State.

ON THANKSGIVING

SEPTEMBER 30, 1856.

From the Jefferson City, Jefferson Inquirer., November 1, 1856.

WHEREAS it is considered right and proper that we should gratefully acknowledge the GOODNESS OF GOD, displayed in the preservation of our lives, our civil and religious liberties, and our republican institution, and for every blessing, temporal and spiritual, which we enjoy. And WHEREAS the protection of the State from insurrection

and intestine commotion and the citizens from pestilence and plague, equally demand a return of thanks to HIM whose will has wrought this protection.

NOW THEREFORE under a full sense of obligation and duty, and in accordance with the wishes of a great many citizens of the State, I, STERLING PRICE, Governor of the State of Missouri, do by this my public Proclamation, recommend to the people of the State, that without distinction of Sect, denomination or creed, they observe Thursday the twentieth day of November next, as a day of THANKSGIVING to ALMIGHTY GOD, for his favors extended to us, collectively, nationally and individually.

In Testimony Whereof, I have hereto set my hand and caused the great seal of the State to be affixed.

(SEAL) Done at the office of Secretary of State, in the City of Jefferson, this thirtieth day of September A. D. 1856, of the Independence of the United States the eighty-first, and of the State of Missouri the thirty-sixth.

STERLING PRICE.

By the Governor.

JOHN M. RICHARDSON, Secretary of State.

OFFERING A REWARD

NOVEMBER 15, 1856

From the Register of Civil Proceedings, 1852-1860, p. 196

WHEREAS it has been represented to me that John Smithers murdered William Wingo, in the County of Butler: and WHEREAS, it is further represented to me that said John Smithers has absconded, and is now going at large to the great detriment of the peace, good order, and dignity of the State.

NOW, THEREFORE, I STERLING PRICE Governor of the State of Missouri, do hereby offer a reward of two hundred dollars, for the arrest and delivery of the said Smithers to

the Sheriff of Butler County, Missouri.

In Testimony Whereof, I have hereunto set my name, and caused the great Seal of the State to
(SEAL) be hereto affixed. Done at the office of the Secretary of State, in the City of Jefferson, this 15th day of November A. D. 1856.

STERLING PRICE.

By the Governor

B. F. MASSEY

Secy. of State.

MEMORANDA OF PROCLAMATIONS AND WRITS
OF ELECTION

JUNE 12, 1854

From the Register of Civil Proceedings, 1852-1860, p. 88

The Governor issued a writ of election to each of the sheriffs of Benton, Hickory, Laclede, Dallas, Polk, Cedar, St. Clair, & Henry counties, commanding them to give fifteen days notice & cause an election to be held at the respective places of voting in their county, for the election of judge of the seventh judicial circuit, to fill the vacancy occasioned by the resignation of the Hon. Waldo P. Johnson.

DECEMBER 21, 1854

From the Register of Civil Proceedings, 1852-1860, p. 114

The Governor issued a writ of election directed to the Sheriff of Callaway Co commanding him to give five days notice for holding an election on the first Monday in January next, for the election of a Representative in the first session of the eighteenth General Assembly from Callaway county.

MAY 14, 1855

From the Register of Civil Proceedings, 1852-1860, p. 131

The Governor issued a writ of election to the Sheriff of Carroll County ordering an election to be held on the 6th day of August 1855, to fill a vacancy in office of Representative from Carroll county, occasioned by the death of W. J. McMurtry.

AUGUST 15, 1855

From the Register of Civil Proceedings, 1852-1860, p. 140

The Governor issued a writ of election to fill the vacancy occasioned by the resignation of C. H. Frost, a representative from Texas County.

NOVEMBER 10, 1855

From the Register of Civil Proceedings, 1852-1860, p. 150

The Governor issued a writ of election commanding the Sheriff of Dunklin county to cause an election to be held on the 26 inst. in Dunklin County to fill the vacancy in the office of representative in the 18, General Assembly occasioned by the death of the Hon. Wm. Mott.

NOVEMBER 10, 1855

From the Register of Civil Proceedings, 1852-1860, p. 150

The Governor issued a writ of election commanding the Sheriff of Franklin County to give six days notice according to law & cause an election to be held on the twenty-sixth of November A. D. 1855, to fill the vacancy in the House of representatives of the 18, General Assembly occasioned by the death of Hon. E. B. Jeffries.

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